

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित
 PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली, शनिवार, दिसम्बर 30, 1967/पौष 9, 1889
 No. 52] NEW DELHI, SATURDAY, DECEMBER 30, 1967/PAUSA 9, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (तब क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 16th December 1967

S.O. 4592.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Andhra Pradesh hereby nominates Shri A. Krishnaswamy, IAS Special Secretary to Government of Andhra Pradesh in the Home Department as the Chief Electoral Officer for the State of Andhra Pradesh with effect from the date he takes over charge and until further orders vide Shri G. D. Qureshi, I.A.S.

[No. 154/1/67.]

ORDERS

New Delhi, the 10th November 1967

S.O. 4593.—Whereas the Election Commission is satisfied that Shri Brahmanand, Son of Shri Radha Krishna, Village Sonki Bhand, District Ballia, a contesting candidate for election to the House of the People from Ballia Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

(4837)

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure:

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Brahmanand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/43/67(2).]

New Delhi, the 11th December 1967

S.O. 4594.—Whereas the Election Commission is satisfied that Shri Deoki Nandan, Greeswell Grant, P.O. Bantal, District Sitapur, a contesting candidate for election to the House of the People from Mirrikh Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Deoki Nandan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-IIP/17/67.]

S.O. 4595.—Whereas the Election Commission is satisfied that Shri Chiraunji Lal, Village Gahana, P.O. Ballia, District Bareilly, a contesting candidate for election to the House of the People from Aonla Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chiraunji Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/10/67(1).]

S.O. 4596.—Whereas the Election Commission is satisfied that Shri Shaukat Ali, P.O. Dataganj, District Budaun, a contesting candidate for election to the House of the People from Aonla Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shaukat Ali to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/10/67(2).]

New Delhi, the 12th December 1967

S.O. 4597.—Whereas the Election Commission is satisfied that Shri Sheo Pal Singh, Village Kurauni, P.O. Banthara, Pargana Bijnaur, Tehsil & Dist. Lucknow, a contesting candidate for election to the House of the People from Lucknow Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sheo Pal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/19/67.]

S.O. 4598.—Whereas the Election Commission is satisfied that Shri Hari Shankar, Village Daina, P.O. Dhina, District Varanasi, a contesting candidate for election to the House of the People from Chandauli Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hari Shankar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/51/67.]

S.O. 4599.—Whereas the Election Commission is satisfied that Shri Manphool S/o Jhabha, Village Peepalsana, P.O. Ilalpur Buzurg, District Bijnor, a contesting candidate for election to the House of the People from Bijnor Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Manphool to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/5/67(1).]

S.O. 4600.—Whereas the Election Commission is satisfied that Shri Hardeo Singh, S/o Faqira, Village Mustafabad Garhi, P.O. Scer Basu Chand, District Bijnor, a contesting candidate for election to the House of the People from Bijnor Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hardeo Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/5/67(2).]

S.O. 4601.—Whereas the Election Commission is satisfied that Shri Hit Lal, Village Sulempur Parsawan, P.O. Dehampur, Faizabad a contesting candidate for election to the House of the People from Akbarpur Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hlt Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/26/67.]

S.O. 4602.—Whereas the Election Commission is satisfied that Shri Mahangi Ram, Village and P.O. Baburi, District Varanasi, a contesting candidate for election to the House of the People from Robertsganj Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahangi Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/53/67.]

S.O. 4603.—Whereas the Election Commission is satisfied that Shri Harish Chandra Basera Narayan, P.O. Alladinpur Bhogi alias Basera Kunwar Distt. Bijnor a contesting candidate for election to the House of the People from Garhwal constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Harish Chandra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. UP-HP/2/67.]

S.O. 4604.—Whereas the Election Commission is satisfied that Shri Prohlad Dey of 1/150, Jodhpur Park, Calcutta-31, a contesting candidate for election to the House of the People from Calcutta North West constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Prohlad Dey to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. WB-HP/19/67(3).]

New Delhi, the 13th December 1967

S.O. 4605.—Whereas the Election Commission is satisfied that Shri Sada Chamar of village Baghani, P.O. Dadar, District Arrah a contesting candidate for election to the Lok Sabha from Sasaram constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sada Chamar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/39/67(18).]

New Delhi, the 14th December 1967

S.O. 4606.—Whereas the Election Commission is satisfied that Shri Balbir Singh, Village and P.O. Ramala, District Meerut a contesting candidate for election to the House of the People from Baghpat constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Balbir Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/81/67(2).]

S.O. 4607.—Whereas the Election Commission is satisfied that Shri Deep Chand, Village Tafari, P.O. Agarwal Mandi, District Meerut, Uttar Pradesh a contesting candidate for election to the House of the People from Baghpat constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Deep Chand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-HP/81/67(3).]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF LAW
(Legislative Department)

CORRIGENDUM

New Delhi, the 20th December 1967

S.O. 4608.—In the notification of the Government of India in the Ministry of Law S.O. No. 4202, dated the 4th December, 1967, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 4th December,

1967, below "Place: Assembly Secretariat, New Capital, Bhubaneswar", insert "Date: The 30th November 1967."

[No. F. 5(33)/67-Elec.]

A. S. LOKANATHAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd November 1967

S.O. 4609.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Conduct) Rules, 1964, namely:—

1. (1) These rules may be called the Central Civil Services (Conduct) Amendment Rules, 1967.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Conduct) Rules, 1964, in rule 3, for sub-rule (2), including the proviso, the following shall be substituted, namely:—

"(2) No Government servant shall, except with the previous sanction of the Government or of the prescribed authority or except in the *bona fide* discharge of his duties,

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or

(b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical,

either in his own name or anonymously or pseudonymously or in the name of any other person:

Provided that no such sanction shall be required—

(i) if such publication is through a publisher and is of a purely literary, artistic or scientific character; or

(ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character."

[No. 25/10/67-Ests(A).]

P. S. VENKATESWARAN, Under Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 14th December 1967

S.O. 4610.—Statement of the Affairs of the Reserve Bank of India as on the 8th December, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	17,06,80,000
		Rupee Com	3,69,000
Reserve Fund	80,00,00,000	Small Coin	3,84,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund	1,31,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills*	273,21,04,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	28,25,43,000
		Investments**	135,86,89,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments@	82,57,34,000
		Loans and Advances to :—	
Deposits :—		(i) Scheduled Commercial Banks†	10,66,50,000
		(ii) State Co-operative Banks ‡	195,07,57,000
(a) Government—		(iii) Others	3,22,33,000
(i) Central Government	71,27,81,000		

LIABILITIES		Rs.	ASSETS		Rs.
(ii) State Governments		5,42,39,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—		
(b) Banks —			(a) Loans and Advances to :—		
(i) Scheduled Commercial Banks		134,57,57,000	(i) State Governments		28,11,02,000
(ii) Scheduled State Co-operative Banks		5,25,49,000	(ii) State Co-operative Banks		13,60,41,000
(iii) Non-Scheduled State Co-operative Banks		81,36,000	(iii) Central Land Mortgage Banks . . . . .		..
(iv) Other Banks		8,69,000	(b) Investments in Central Land Mortgage Bank Debentures—		
			Loans and Advances from National Agricultural Credit (Stabilisation) Fund—		7,46,98,000
(c) Others		272,95,83,000	Loans and Advances to State Co-operative Banks		8,13,66,000
Bills Payable		34,52,25,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
Other Liabilities.		59,58,96,000	(a) Loans and Advances to the Development Bank		5,45,84,000
			(b) Investment in bonds/debentures issued by the Development Bank . . . . .		..
			Others Assets		46,71,01,000
Rupees		855,50,35,000	Rupees		855,50,35,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 95,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 13th day of December, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of December, 1967.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	17,06,80,000		Gold Coin and Bullion:—		
Notes in circulation	3047,39,32,000		(a) Held in India	115,89,25,000	
Total Notes issued		3064,46,12,000	(b) Held outside India	..	
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		76,91,70,000
			Government of India Rupee Securities		2705,23,17,000
			Internal Bills of Exchange and other commercial paper		..
Total Liabilities		3064,46,12,000	Total Assets		3064,46,12,000

Dated the 13th day of December, 1967

L. K. JHA,
Governor.
[No. F. 3(3)-BC/67.]

New Delhi, the 20th December 1967

S.O. 4611.—Statement of the Affairs of the Reserve Bank of India as on the 15th December, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	19,17,39,000
		Rupee Coin	3,68,000
Reserve Fund	80,00,00,000	Small Coins	3,68,000
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	Bills Purchased and Discounted —	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	275,97,81,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	36,38,71,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Investments**	110,40,27,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments@	102,42,89,000
Deposits—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	3,64,66,000
(i) Central Government	57,56,00,000	(ii) State Co-operative Banks††	189,84,75,000
		(iii) Others	2,92,05,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund —	
(ii) State Governments	4,81,78,000	(a) Loans and Advances to —	
		(i) State Governments	28,08,74,000
		(ii) State Co-operative Banks	13,52,34,000
		(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,46,98,000
(i) Scheduled Commercial Banks	140,72,21,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	5,05,59,000	Loans and Advances to State Co-operative Banks	8,12,80,000
(iii) Non-Scheduled State Co-operative Banks	73,32,000		
(iv) Other Banks	13,07,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	279,69,12,000	(a) Loans and Advances to the Development Bank	5,70,34,000
Bills payable	31,33,28,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	60,16,82,000	Other Assets	47,44,10,000
Rupees	851,21,19,000	Rupees	851,21,19,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 84,76,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund

Dated the 20th day of December, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of December 1967
ISSUE DEPARTMENT

LIABILITIES	Ra.	Ra.	ASSETS	Ra.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in Circulation	19,17,39,000		(a) Held in India	115,89,25,000	
Notes in Circulation	<u>3046,07,51,000</u>		(b) Held outside India . . . . .	..
Total Notes issued		3065,24,90,000	Foreign Securities	<u>166,42,00,000</u>	
			TOTAL		282,31,25,000
			Rupee Coin		77,70,00,000
			Government of India Rupee Securities		2705,23,65,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		<u>3065,24,90,000</u>	TOTAL ASSETS		<u>3065,24,90,000</u>

Dated the 20th day of December 1967.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/67.]
V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 19th December 1967

S.O. 4612.—In pursuance of clause (a) of sub-section (1) of section 19 read with sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby reappoints Shri V. T. Dchejla, as Chairman of the State Bank of India for a further term of one year with effect from the 1st March, 1968.

[No. F. 8/74/67-SB.]

S. S. SHIRALKAR, Addl. Secy.

(Department of Revenue and Insurance)

New Delhi, the 23rd December 1967

S.O. 4613.—In exercise of the powers conferred by sub-section (5) of section 5 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962), the Central Government hereby makes the following Scheme further to amend the Emergency Risks (Goods) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 3945, dated the 26th December, 1962, namely :—

1. (1) This Scheme may be called the Emergency Risks (Goods) Insurance (Fourth Amendment) Scheme, 1967.

(2) It shall come into force on the first day of January, 1968.

2. In the Emergency Risks (Goods) Insurance Scheme, in paragraph 10, in sub-paragraph (1),—

- (i) for the figures, letters and word "31st day of December, 1967", the figures, letters and word "31st day of March 1968" shall be substituted;
- (ii) in clause (a) for the figures, letters and word "30th day of September 1967", the figures, letters and word "31st day of December 1967" shall be substituted.

[No. F. 101(1)—INS. I/67-ERI(I).]

S.O. 4614.—In exercise of the powers conferred by sub-section (6) of section 3 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby make the following Scheme further to amend the Emergency Risks (Factories) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 3946, dated the 26th December, 1962, namely :—

1. (1) This Scheme may be called the Emergency Risks (Factories) Insurance (Fourth Amendment) Scheme, 1967.

(2) It shall come into force on the first day of January, 1968.

2. In the Emergency Risks (Factories) Insurance Scheme, in paragraph 8, in sub-paragraph (1),—

- (i) for the figures, letters and word "31st day of December 1967", the figures, letters and word "31st day of March 1968" shall be substituted;
- (ii) in clause (a) for the figures, letters and word "30th day of September 1967" the figures, letters and word "31st day of December 1967" shall be substituted.

[No. F. 101(1)—INS. I/67-ERI(II).]

RAJ K. NIGAM, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 15th December 1967

S.O. 4615.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling

It in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the schedule appended to its Notification No. 107 (F. No. 50/5/66-ITJ) dated the 27th October, 1966 namely:—

In the said schedule against B-Range, Amritsar and A-Range, Patiala under column 2 the following entries shall be added namely:—

- B-Range, Amritsar 3. District I(X), Amritsar
 4. District II(IX), Amritsar

- A-Range, Patiala 6. Additional B Ward, Patiala

This notification shall take effect from 20th December, 1967.

Explanatory Note

The amendments have become necessary on account of the creation of three new wards in the Commissioner's charge.

(The above note does not become a part of the notification, but is intended to be merely clarificatory).

[No. 158 (F. No. 50/74/67-ITJ).]

P. G. GANDHI, Under Secy.

CENTRAL EXCISE COLLECTORATE

Allahabad, the 31st October 1967

S. O. 4616—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I authorise the Central Excise Officers specified in column (2) of the Table below to exercise within their respective jurisdiction under the Rules mentioned in column (3) thereof, the powers of the Collector indicated against each in column (4), subject to the conditions and limitations if any indicated in column (5) of the said Table.

Sl. No.	Designation of the Officers	Rule No. of the C.E. Rules 1944	Nature of Collector's power delegated	Conditions and limitations, if any
1	2	3	4	5
1	Superintendent	96ZA(1)	To accept first A. S. P. application for full period for which special procedure can be availed of.	—
2	Do.	96ZA(2)	To accept first A. S. P. application for a period less than the prescribed period for reasons to be recorded in writing.	—
3	Assistant Collector	96ZA(3)	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him.	—

1	2	3	4	5
4	Superintendent	96ZA(4)	(i) To accept renewal application in form A. S. P. (ii) To condone delay in submission of A. S. P. application for renewal.	— Only for condoning delays not exceeding 15 days.
5	Assistant Collector	96ZA(4)	To condone delay in submission of A. S. P. application for renewal.	Only for condoning delays exceeding 15 days.
6	Superintendent	96ZD(2)	To condone delay in submission of application for removal in form A. R. 10 and to condone delays in making monthly deposits.	Only for condoning delays not exceeding 5 days.
7	Assistant Collector	96ZD(2)	Do.	Only for condoning delays exceeding 5 days.
8	Adjudicating Officers	96ZF(i) 96ZF(ii) 96ZF(iv)	To demand duty at full rate To confiscate goods; To impose penalty.	} in accordance with their limits of powers.

[No. C. IV (16) 93 Pal.67.]

M. N. MATHUR Collector.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Calcutta, the 5th September 1967

S.O. 4617.—Whereas M/s. Plastic Corporation of India, 115, Beniatolla Street, Calcutta-5 or any bank or any other person have not come forward furnishing sufficient cause against Notice No. 101/65/E&L, dated 27th July 1967 proposing to cancel licence No. P/SS/1585900/C, dated 4th June 1966 for Rs. 7,875 and P/SS/1592455/C, dated 17th August 1966 for Rs. 10,568 both for import of cellulose Acetate-Butyrate Powder from the General Area except South and South West Africa granted to the said M/s. Plastic Corporation of India, 115, Beniatolla Street, Calcutta-5 by the Joint Chief Controller of Imports and Exports, Calcutta. The Government of India in the Ministry of Commerce in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence Nos. P/SS/1585900/C, dated 4th June 1966 and P/SS/1592455/C, dated 17th August 1966 issued to M/s. Plastic Corporation of India, 115, Beniatolla Street, Calcutta-5.

[No. 101/65/E&L.]

J. MUKHERJI,

Dy. Chief Controller of Imports and Exports.
for Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports & Exports)**ORDERS***New Delhi, the 5th December 1967*

S.O. 4618.—A licence No. P/RM/2154968/C/XX/23/C/H/23-24/RMI dated 14th November, 1966, of the value of Rs. 1,20,000 for import of Raw Materials as per list attached to the licence was issued to M/s. S. K. Metal and Allied Works, Nainital Road, Izat Nagar, New Katha Factory, Bareilly (U.P.).

2. Thereafter, a show cause notice No. CCI/I(C)/16/67/3349 dated 16th November, 1967, was issued asking them to show cause within ten days as to why the said licence in their favour should not be cancelled on the ground that the same was obtained on the basis of forged recommendation of the Directorate General of Technical Development in terms of Clause 9.

3. The aforesaid show cause notice, was received back undelivered from the Posta authorities with the remarks 'Not Known'.

4. The undersigned has carefully examined the case and has come to the conclusion that the said licence has been obtained on the basis of false and fabricated documents and the licence holders are avoiding the service of the show cause notice.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9(c) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/RM/2154968/C/XX/23/C/H/23-24/RMI dated 14th November, 1966, for Rs. 1,20,000 issued in favour of M/s. S. K. Metal and Allied Works, Nainital Road, Izat Nagar, New Katha Factory, Bareilly (U.P.).

M/s. S. K. Metal & Allied Works,
Nainital Road, Izat Nagar,
New Katha Factory,
Bareilly (U.P.)

[No. CCI/I(C)/16/67.]

S.O. 4619.—A licence No. P/RM/2155429/C/XX/23/C/H/23-24/RMI dated 21st December, 1966, of the value of Rs. 1,47,000 for import of Raw Materials as per list attached to the licence was issued to M/s. Shree Krishna Industrial Works, Nainital Road, Izat Nagar, Bareilly (U.P.).

2. Thereafter, a show cause notice No. CCI/I(C)/17/67/3397 dated 16th November, 1967, was issued asking them to show cause within ten days as to why the said licence in their favour should not be cancelled on the ground that the same was obtained on the basis of forged recommendation of the Directorate General of Technical Development in terms of Clause 9.

3. The aforesaid show cause notice, was received back undelivered from the Posta authorities with the remarks 'Not Known'.

4. The undersigned has carefully examined the said case and has come to the conclusion that the said licence has been obtained on the basis of false and fabricated document and now the licence holders are avoiding the service of the show cause notice.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9(c) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/RM/2155429/C/XX/23/C/H/23-24/RMI dated 21st December, 1966, for Rs. 1,47,000 issued in favour of M/s. Shree Krishna Industrial Works, Nainital Road, Izat Nagar, Bareilly (U.P.).

M/s. Shree Krishna Industrial Works,
Nainital Road, Izat Nagar,
Bareilly (U.P.)

[No. CCI/I(C)/17/67.]

B. D. BHATTACHARYA,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports & Exports)**ORDER***New Delhi, the 15th December 1967*

S.O. 4620.—In exercise of the powers conferred by Clause 9 of the Imports (Control) Order 1955, dated 7th December, 1955, as amended from time to time,

the undersigned hereby cancels the Import Licence No. G/DG/2105151/T/DL/23/CH/22 dated the 16th May 1966 (both copies fully un-utilised) for the import of 479 T-2 Signal Generator Vor Ramp Test CPN-505-9041-004 valued at Rs. 17175/- issued in favour of M/s. Electronics Ltd, New Delhi.

The reason for cancellation is that the orders accepting the Tender of the firm have been cancelled by the D.G.S. & D. New Delhi.

[No. 3-E/Cont/66-67/GLS/929.]

S. A. SESHAN,

Dy Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 15th December 1967

S.O. 4621.—M/s. Western India Sales Agencies, Atlas Mill Compound, Reay Road, Mazagaon, Bombay-10, were granted an import licence No. P/NA/AU/1267427/C/XX/25/C/H/21-22/NQQ dated 8th May 1967 for Rs. 94,511/- (Rupees Impact-Extrusion Press in Horizontal Design" under Capital Goods Category. They have now applied to this Office for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost. It is further stated that the Original Customs Purposes Copy of the licence has not yet been registered with any Customs Authorities and the licence was *not utilised* at all. The duplicate Customs Purposes Copy of the licence now required by the firm is for the full value of the licence i.e., for Rs. 94,511/-

2. In support of this contention the licensee has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(cc) of the Imports (Control) Order, 1955, dated 7th December 1955 (as amended), the original Customs Purposes copy of the licence No. P/NA/AU/1267427/C/XX/25/C/H/21-22/NQQ dated 8th May 1967 issued to M/s. Western India Sales Agencies, Atlas Mill Compound, Reay Road, Mazagaon, Bombay-10, is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. NDRS/W-122/65-66/3799.]

Y. J. DENNISON,

Dy. Chief Controller

for Chief Controller of Imports & Exports.

MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 20th December 1967

S.O. 4622.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints the Director General of Mines Safety and the Deputy General Manager (Technical), National Coal Development Corporation Ltd., as *ex-officio* members of the Coal Board with immediate effect and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Steel, Mines and Metals. (Department of Mines and Metals) No. S.O. 3435 dated the 21st September, 1967, namely:—

In the said notification,—

(1) for item 2 and the entries relating thereto, the following shall be substituted, namely:—

"2. The Director General of Mines Safety, Member".

(2) after item 5 and the entries relating thereto, the following shall be added, namely:—

"6. The Deputy General Manager, (Technical), National Coal Development Corporation Ltd., Member".

[No. C5-4(1)/67.]

K. SUBRAHAMANYAN, Under Secy.

MINISTRY OF PETROLEUM & CHEMICALS

CORRIGENDUM

New Delhi, the 14th December 1967

S.O. 4623.—In the Corrigendum under S.O. No. 3429 dated the 15th September, 1967, published in the Gazette of India Part II section 3 sub-section (ii) dated the 30th September, 1967.

At Page No. 3519.

For "Survey No. 1953" read "Survey No. 1053". of Village Bharuhna.

[No. 31(50)/63-ONG/OR Vol. 12.]

I. M. SAHAI, Under Secy.

सिवाई व बिजली मंत्रालय

नई दिल्ली, 1 नवम्बर, 1966

एस० ओ० 4624.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) की धारा 79 की उप-धारा (1) के खण्ड वाक्य (छ) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार एतद्-द्वारा निम्नलिखित कार्यों का विशेषाभिधान करती है; नामशः

1. लुधियाना और जालन्धर के बीच 220 के० वी० क्षमता का दोहरे सर्किट वाला पारेषण पथ ;
2. जालन्धर में उपकेन्द्र ;
3. गंगवाल और कोटला बिजली घरों के बीच 132 के० वी० क्षमता का दोहरे सर्किट वाला पारेषण पथ ;
4. भखड़ा और नया नंगल उर्वरक कारखाने के बीच 66 के० वी० क्षमता का पारेषण पथ ; और
5. कोटला बिजली घर से लोहन्द नहर साईफन तक उसके समेत नंगल हाईडल नाली ।

[सं० 6/5/66-वि० का०-1]

नई दिल्ली, 27 अप्रैल, 1967

एस० ओ० 4625.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31 वां) की धारा 79 की उपधारा (1) के खण्डवाक्य (छ) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार एतद्द्वारा निम्नलिखित कार्य का विशेषाभिधान करती है :—

"इन्द्रप्रस्थ बिजली घर, दिल्ली, से बल्लभगढ़ तक 220 के० वी० क्षमता का पारेषण पथ"

[सं० 65/66-बी० एण्ड बी०

नई दिल्ली, 2 मई, 1967

एस० प्रो० 4626.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) की धारा 79 की उपधारा (1) के खण्डवाक्य (छ) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार एतद्द्वारा निम्नलिखित कार्यों का विशेषाभिधान करती है ; नामशः

1. चण्डीगढ़ में 66 के० बी० का उपकेन्द्र ; और
2. धूलकोट से चण्डीगढ़ तक 66 के० बी० क्षमता का दोहरे सर्किट वाला पारेषण पथ ।

[म० 6/5/66-बी० एण्ड बी०]

नई दिल्ली, 1 अक्टूबर, 1967

एस० प्रो० 4627.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) की धारा 80 की उपधाराओं (2) और (3) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार उत्तराधिकारी राज्य की सरकारों और राजस्थान राज्य के साथ परामर्श करके एतद्द्वारा ब्यास निर्माण बोर्ड (आगे जिसका निर्देश केवल बोर्ड के नाम से ही किया गया है) की स्थापना करती है जिसमें निम्नलिखित व्यक्ति शामिल हैं ; नामशः

अध्यक्ष

1. सिचाई व बिजली बॉर्दो, भारत सरकार ।

सदस्य

2. पंजाब, हरियाणा, हिमाचल प्रदेश और राजस्थान के मुख्य मंत्री ।
3. पंजाब, हरियाणा और राजस्थान राज्यों के द्वारा नामित एक एक मंत्री, जिसका नाम व स्वयं करेंगी ।
4. सचिव, भारत सरकार, सिचाई व बिजली मंत्रालय ।
5. अध्यक्ष, केन्द्रीय जल तथा विद्युत आयोग ।
6. संयुक्त सचिव, भारत सरकार, वित्त मंत्रालय (व्यय विभाग) ।
7. पंजाब और हरियाणा सरकारों के सिचाई व बिजली विभागों के कार्यभारी सचिव ।
8. सचिव, राजस्थान सरकार राजस्थान सरकार के उपनिवेश विभाग का कार्यभारी सचिव तथा उसी सरकार का ब्यास परियोजना का कार्यभारी सचिव ।
9. पंजाब, हरियाणा और राजस्थान सरकारों के वित्त मंत्रालयों के कार्यभारी सचिव ।
10. मुख्य सचिव, हिमाचल प्रदेश सरकार ।
11. महाप्रबन्धक, ब्यास परियोजना ।
12. पंजाब, हरियाणा और राजस्थान के राज्य बिजली बॉर्दों के अध्यक्ष और बोर्डों को निम्नलिखित कार्य सौंपती हैं ; नामशः
 - (क) ब्यास परियोजना (आगे जिसका निर्देश केवल परियोजना के नाम से किया जाता है) का सुचारु, मितव्ययी तथा शीघ्रकारो ढंग से निर्माण जिसमें वे कार्य भी शामिल हैं जो आरंभ हो चुके हैं परन्तु भाखड़ा दक्षिण तट बिजली घर का 120 मैगावाट क्षमता का पांचवां उत्पादन यूनिट शामिल नहीं है ; और

(ख) परियोजना से सम्बद्ध अन्य नवी कार्य जिन में निम्नलिखित कार्य सम्मिलित हैं :—

- (1) परियोजना के प्राक्कलनों की जांच, उन प्राक्कलनों का यथावश्यक संशोधन तथा केन्द्रीय सरकार की प्रशासनिक स्वीकृति के लिए सिफारिश करना ;
- (2) महाप्रबन्धक तथा परियोजना की कार्यान्विति पर नियुक्त अन्य अधिकारियों को तकनीकी तथा वित्तीय दोनों प्रकार की वे शक्तियाँ सौंपन जिन्हें बोर्ड आवश्यक समझेगा ;
- (3) परियोजना के विभिन्न भागों के निर्माण का नियमन तथा मिचाई व बिजली के लाभों को शीघ्र प्रयोग में लाने के लिए प्रावस्थापित कार्यक्रम बनाना ;
- (4) सम्बद्ध सरकारों को बाह्यक्षेत्रों में उपयुक्त भूस्तरक्षण उपाय सुझाना ;
- (5) मत्स्य पालन के विकास के लिए संबद्ध सरकारों को उपयुक्त उपाय सुझाना ;
- (6) परियोजना के निर्माण के फलस्वरूप विस्थापित व्यक्तियों के पुनर्वास के लिए उपयुक्त उपाय अपनाना ।

(ग) अन्य कोई भी और कार्य जो बोर्ड को केन्द्रीय सरकार द्वारा सौंपा जाए ।

2. इस बोर्ड का एक सचिव होगा जिसे कार्य को सुचारु ढंग से चलाने के लिए, यथावश्यक कर्मचारी मिलेंगे और सचिव का कार्यालय नई दिल्ली में स्थित होगा ।

3. बोर्ड अपने कार्य को सुचारु ढंग से चलाने के लिए पैरा (2) में निर्दिष्ट स्टाफ से भिन्न यथावश्यक कर्मचारी नियुक्त कर सकता है ।

[सं० एफ 0 17/23/66-बी० बी०]

एस० ओ० 4628:—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) की धारा 79 के अन्तर्गत उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार एतद्-द्वारा भाखड़ा प्रबन्धक बोर्ड की स्थापना करती है जिसमें निम्नलिखित व्यक्ति शामिल होंगे, क्रमशः

- | | | |
|---|---|--|
| <ol style="list-style-type: none"> 1. श्री एन० जी० के० मूर्ति, निवृत्त मुख्य अभियंता, महाराष्ट्र सरकार । 2. श्री बी० आर० पल्टा, (इस समय महा-प्रबन्धक, भाखड़ा बांध, नंगल टाऊनशिप, के रूप में काम कर रहे हैं) । 3. श्री जी० एस० ज्ञानी, (इस समय मुख्य अभियंता (निर्माण), बिजली, पटियाला के रूप में काम कर रहे हैं) । | } | <p>उक्त धारा 79 की उपधारा (2) में खण्डवाक्य (क) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त पूर्णकालिक अध्यक्ष व सदस्य ।</p> |
| <ol style="list-style-type: none"> 4. सचिव, कार्य भारी, मिचाई व बिजली, पंजाब सरकार । 5. सचिव, कार्यभारी, मिचाई व बिजली हरियाणा सरकार । 6. सचिव, कार्यभारी, मिचाई, राजस्थान सरकार । 7. मुख्य अभियंता, बहुद्देशीय परियोजनाएं व बिजली, हिमाचल प्रदेश सरकार । | } | <p>उक्त उपधारा (2) के खण्डवाक्य (ख) के अन्तर्गत संबद्ध सरकारों तथा प्रशासक द्वारा नामित पंजाब, हरियाणा और राजस्थान की राज्य सरकारों तथा हिमाचल प्रदेश के संघीय प्रदेश के प्रतिनिधि ।</p> |

- | | |
|--|--|
| 8. संयुक्त सचिव, वित्त मंत्रालय (व्यय विभाग) भारत सरकार । | } उक्त उपधारा (2) के खण्डवाक्य (ग) के अधीन केन्द्रीय सरकार द्वारा नामित अपने प्रतिनिधि । |
| 9. मिथु जल आयुक्त तथा पदेन संयुक्त सचिव, सिंचाई व बिजली मंत्रालय, भारत सरकार । | |

आदेश

नई दिल्ली, 1 नवम्बर, 1966

एस० ओ० 4629:—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31 वां) की धारा 96 द्वारा प्रदत्त शक्तियों तथा इस सम्बन्ध में राष्ट्रपति को प्राप्त योग्यकारी अन्य सभी शक्तियों की परिपालना में राष्ट्रपति एतद्द्वारा निम्नलिखित आदेश जारी करते हैं, नामशः

1. संक्षिप्त शीर्षक तथा आरम्भ.—(1) इस आदेश का नाम पंजाब पुनर्गठन (बाधाएं निवारण) आदेश, 1966 होगा ।

(2) यह आदेश 1 नवम्बर, 1966 से लागू होगा ।

2. परिभाषाएं—इस आदेश में

- (क) 'अधिनियम' का अर्थ पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) हैं;
- (ख) 'निर्धारित दिवस' का अर्थ नवम्बर, 1966 है ।
- (ग) 'बोर्ड' का अर्थ भाखड़ा प्रबन्धक बोर्ड है जिसे धारा 79 के अन्तर्गत बनाया जाना है ।
- (घ) 'धारा' का अर्थ अधिनियम की धारा है ।
- (ङ) 'उत्तराधिकारी राज्य' का वह अर्थ है जो धारा 2 के वाक्य खण्ड (द) में इसका अर्थ है ।

3. भाखड़ा प्रबन्धक बोर्ड की स्थापना से पूर्व केन्द्रीय सरकार द्वारा कार्यान्वित किये जाने वाले भाखड़ा-नंगल परियोजना से संबद्ध कुछ कार्यों का प्रशासन, रख-रखाव और प्रचालन.—(1) जब तक बोर्ड की स्थापना नहीं हो जाती, भाखड़ा नंगल परियोजना से संबद्ध धारा 79 की उपधारा में बनाए गए कार्यों के प्रशासन, रख-रखाव और प्रचालन का काम निर्धारित दिवस को/से केन्द्रीय सरकार द्वारा किया जाएगा और वही सरकार उस धारा के अन्तर्गत बोर्ड को समर्पित सभी क्रियाकलाप करेगी ।

(2) उत्तराधिकारी राज्यों की सरकारें तथा राजस्थान सरकार हर समय केन्द्रीय सरकार को भाखड़ा-नंगल परियोजना से संबद्ध उक्त कार्यों को करने के लिये कर्मचारियों के वेतनों और भत्तों समेत सभी प्रकार के व्यय को पूरा करने के लिये आवश्यक धन देगी जो कि उन्होंने उक्त धारा के अन्तर्गत बोर्ड को दिया होता ।

एस० ओ० 4630 :—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31वां) की धारा 79 की उपधारा (3) के खण्डवाक्य (ग) द्वारा प्रदत्त शक्तियों की परिपालना में केन्द्रीय सरकार एतद्वारा भाखड़ा दक्षिण तट बिजली घर से सम्बद्ध निम्नलिखित शेष निर्माण का विशेष भिधान करती है :—नामशः

1. स्विचयार्ड तथा अन्य आनुषंगिक उपकरण तथा संरचनाओं समेत, दक्षिण तट बिजली घर के सभी पाँचों यूनिटों के संभरण, निर्माण, प्रतिष्ठापन तथा प्रचालन से संबद्ध बाकी सिविल तथा बिजली कार्य ;
2. (क) भाखड़ा दक्षिण तट से गंगुवाल तक
(ख) भाखड़ा दक्षिण तट से लुधियाना तक
(ग) लुधियाना से जालंधर तक
(घ) लुधियाना से संग्रूर तक
(ङ) संग्रूर से हिस्सार तक
(च) हिस्सार से बल्लभगढ़ तक
220 के० वी० क्षमता के दोहरे सर्किट वाले पारेपण पथ ;
3. गंगुवाल में 220 के० वी० क्षमता का मुख्य अन्तर्सम्पर्कीय उपकेन्द्र और जालंधर, लुधियाना, संग्रूर, हिस्सार और बल्लभगढ़ में 220 के० वी० के उपकेन्द्र ;
4. अम्बाला, पानीपत और दिल्ली में 220 के० वी० के उपकेन्द्र के शेषकार्य ।

सं० 6/5/66-वि० का०-1.]

के० पी० मथानी, सचिव ।

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 21st December 1967

S.O. 4631/IDRA/6/12/67.—In supersession of Serial No. 22 of late Ministry of Industry's Order No. S.O. IDRA/6/2/66, dated the 12th December, 1966, the Central Government hereby appoints with effect from the date of this Order till the 11th December, 1968, Dr. D. S. Datar, Director, Central Salt and Marine Chemical Research Institute, Bhavnagar, as a member of the Development Council for Scheduled Industries engaged in the manufacture or production of Inorganic Chemicals vice Dr. K. S. G. Doss, who has resigned.

[No. 2(3)-Dev. Council/65-L.C.]

R. C. SETHI, Under Secy-

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 11th December 1967

S.O. 4632:—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation 1) of Regulation 3 of the said Regulations:

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
1	2	3	4	5	6
1	IS: 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes (<i>revised</i>)	S.O. 417 dated 10 February 1962	No. 2 November 1967	Three additional ACSR sizes have been added and all references in the FPS system deleted	30 November 1967
2	IS: 542-1963 Specification for coconut oil (<i>revised</i>)	S.O. 1102 dated 28 March 1964	No. 1 October 1967	Table 1 has been amended	31 October 1967
3	IS: 779E-1956 Specification for water meters (domestic type) [<i>third (emergency) revision</i>]	S.O. 1325 dated 15 April 1967	No. 1 November 1967	(i) Clauses 0.2.1., 4.2 (b), 4.3, 4.5, 4.7, 4.11, 4.13, and Appendix 'A' have been amended (ii) Classes 4.6 and 6.2 have been substituted by new ones	30 November 1967
4	IS: 1584-1960 Specification for handloom silk shirting, loomstate	S.O. 2494 dated 15 Oct. 1960	No. 2 November 1967	Reference specifications IS: 833, IS: 835, IS: 836, IS: 837 and IS: 838 have been substituted by new ones	30 November 1967
5	IS: 1687-1960 Specification for handloom Silk kora (loomstate) cloth	S.O. 341 dated 11th February 1961	No. 1 November 1967		

1	2	3	4	5	6
6	IS: 2143-1962 Specification for open surface milk coolers (with tinned copper tubes)	S.O. 3226 dated 27 October 1962	No. 2 November 1967	Page 4, clause 5.2, line 8—Substitute 'outer wall' for 'outer valve'.	30 November 1967
7	IS: 3224-1966 Specification for valve fittings for compressed gas cylinders	S.O. 3298 dated 5 November 1966	No. 1 October 1967	(i) Clause 2.2.1 has been amended. (ii) The Fig appearing at page 26 against 'threads on valve stem and in cylinder neck for Propane and Butane Valves with Outlet Connection No. 14' has been substituted by a new one.	31 October 1967
8	IS: 3356-1965 Specification for sheet silk coating	S.O. 1081 dated 9 April 1966	No. 1 November 1967	Clause 4.3.1 has been amended	30 November 1967
9	IS: 3357-1965 Specification for matka silk fabric	S.O. 1437 dated 14 May 1966	No. 1 November 1967	Clauses 0.2, 4.5.1 and table 2 have been amended	30 November 1967
10	IS: 3661-1966 Specification for farm milk cooling tanks	S.O. 241 dated 21 January 1967	No. 1 November 1967	Substitute '43° C' for '35° C' wherever it appears in the standard.	30 November 1967
11	IS: 4161-1967 Specification for nessler cylinders	S.O. 3673 dated 14 October 1967	No. 1 November 1967	(i) Page 1, composition of CDC 33: 1, left hand column—Substitute 'Convener' for 'Chairman'. (ii) Page 8, fifth line from top, right-hand column—Substitute 'National Chemical Laboratory (CSIR), Poona for 'National Physical Laboratory (CSIR), Poona'. (iii) Page 8, advertisement text on Laboratory Glassware, under column IS: Substitute '915' for '1915'.	30 November 1967

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branches at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras and (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/13:5.]

S.O. 4633:—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 16th to 30th November 1967 :

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 410-1967 Specification for rolled brass plate, sheet, strip and foil (second revision)	IS : 410-1959 Specification for rolled brass plate, sheet, strip and foil (revised)	This standard covers the requirements of three alloys of rolled brass plate, sheet strip and foil required for engineering and general purposes and designated as CuZn30, CuZn37, and CuZn40.
2	IS : 796-1966 Glossary of cataloguing terms (first revision)	IS : 796-1959 Glossary of cataloguing terms	This standard covers definitions of technical terms current in the field of library cataloguing (Price Rs. 14.50)
3	IS : 1506-1967 Specification for copper oxychloride dusting powder (first revision)	IS : 1506-1959 Specification for copper oxychloride dusting powders	This standard prescribes the requirements and the methods of test for copper oxychloride dusting powder containing varying percentages of copper oxychloride, technical (Price Rs. 5.00)
4	IS : 1726-1967 Specification for cast iron manhole covers and frames intended for use in drainage works (first revision)	IS : 1726-1960 Specification for cast iron manhole covers and frames intended for use in drainage works	This standard lays down requirements for cast iron manhole covers and frames intended for use in drainage works (Price Rs. 5.50)
5	IS : 1885 (Part XIV)—1967 Electrotechnical vocabulary Part XVI clear power plants	..	This standard covers definitions of terms applicable to nuclear power plants for generation of electric energy (Price Rs. 9.00)
6	IS : 2269-1967 Specification for hexagon socket head cap screws (first revision)	IS : 2269-1963 Specification for hexagon socket head cap screws	This standard prescribes the requirements of hexagon socket head cap screws for sizes M3 to M52, both with coarse and fine pitches (Price Rs. 3.50)
7	IS : 4009-1967 Specification for grease nipples	..	This standard deals with the requirements of grease nipples having cylindrical threads for use in industrial plants and automobiles (Price Rs. 3.50)
8	IS : 4035-1967 Specification for trolleys, stretcher	..	This standard specifies the requirements for stretcher trolleys (to support pole stretchers used in hospitals and at other similar places (Price Rs. 2.00)
9	IS : 4056-1966 Specification for fish oil for leather industry	..	This standard prescribes the requirements and the methods of sampling and test for fish oil for the use in the leather industry (Price Rs. 2.00)

(1)	(2)	(3)	(4)
10	IS : 4117-1966 Specification for alcohol denaturants	..	This standard prescribes the essential requirements of alcohol denaturants and their limit tests in the denatured alcohol (Price Rs. 9.50)
11	IS : 4145-1967 Code of practice for storage of ropes	..	This standard prescribes certain optimal conditions for storage of ropes which would retard the rate of storage deterioration to a negligible extent (Price Rs. 1.50)
12	IS : 4164-1967 Specification for 'C' hooks for use with chains	..	This standard covers the basic requirements and dimension ^t of mild steel and higher tensile steel 'C' hooks for use with grade 30 (IS:2429 1967) and grade 40 (IS: 3109-1965) chains respectively (Price Rs. 5.00)
13	IS : 4167-1966 Glossary of terms relating to air pollution.	..	This standard defines the terms relating to air pollution (Price Rs. 5.50)
14	IS : 4170-1967 Specification for brass rods for general engineering purposes.	..	This standard covers the requirements of three grades of brass rods, namely, CuZn20, CuZn30 and CuZn40 for general engineering purposes (Price Rs. 2.50).
15	IS : 4171-1967 Specification for copper rods for general engineering purposes.	..	This standard covers the requirements of copper rods for general engineering purposes (Price Rs. 2.50).
16	IS : 4178-1967 Specification for eye-nuts with collars	..	This standard specifies the requirements for eye-nuts with collars for lifting purposes (Price Rs. 4.00)
17	IS : 4179-1967 Sizes of process vessels and leading dimensions	..	This standard specifies leading dimensions of process vessels in predominant usage in the chemical and allied industries (Price Rs. 11.00)
18	IS : 4186-1967 Guide for preparation of project report for river valley projects.	..	This standard covers guiding principles for the preparation of river valley project reports with specific reference to: (1) Administrative aspect concerned with the scrutiny of a project before granting administrative approval for its execution, (2) Technical aspect, namely 'data' and 'design' parts and (3) Estimation of costs. (Price Rs. 6.50).
19	IS : 4189-1967 Specification for firm-joint inside and outside calipers	..	This standard covers the requirements for firm-joint inside and outside calipers of sizes 100, 150, 200 and 300 mm. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
20	IS : 4190-1967 Specification for eyebolts with collars.	..	This standard specifies the requirements for eyebolts with collars for lifting purposes. (Price Rs. 5.00).
21	IS : 4200-1967 Specification for sodium aluminate.	..	This standard prescribes the requirements and the methods of sampling and test for sodium aluminate (Price Rs. 5.50).
22	IS : 4209-1966 Code of safety for chemical laboratories.	..	This standard recommends a code of safety for chemical laboratories (Price Rs. 7.00).
23	IS : 4210-1967 Specification for strip feeler gauges for electrical purposes.	..	This specification applies to strip feeler gauges comprising a series of gauging blades of graded thicknesses from 0.1 mm to 1.0 mm and 1.0 mm to 2.0 mm. (Price Rs. 2.00).
24	IS : 4244-1967 Specification for retractors, skin, double ended.	..	This standard lays down the requirements for double ended skin retractors (Price Rs. 2.00).
25	IS : 4260-1967 Recommended practice for ultrasonic testing of welds in ferritic steel.	..	This standard prescribes the method for ultrasonic testing and inspection of welds by direct contact reflection method. This method is applicable to material of thickness over 5 mm (Price Rs. 3.50).
26	IS : 4261-1967 Glossary of terms relating to paper and pulp-based packaging materials.	..	This standard defines the term ^a relating to paper and pulp-based packaging materials (Price Rs. 5.00).
27	IS : 4272-1967 Specification for venillin.	..	This standard prescribes the requirements and the methods of sampling and test for vanillin (Price Rs. 2.50).
28	IS : 4278-1967 Dimensions for speedometer cables.	..	This standard covers the principal dimensions of speedometer cables used for instruments in automobiles (Price Rs. 2.50).
29	IS : 4284-1967 Method for volumetric determination of iron.	..	This standard prescribes the method for the volumetric determination of iron by using ^c (a) potassium permanganate and (b) potassium dichromate (Price Rs. 2.00).
30	IS : 4285-1967 Method for volumetric determination of calcium.	..	This standard prescribed the method for the volumetric determination of calcium by the potassium permanganate method (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5, Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patters Road, Madras-2 and (iv) 117/418B, Sarvodaya Nagar, Kanpur.

[No. MD/13:2]

New Delhi, the 12th December 1967

S.O. 4634.—In licence No. CM/L-662 dated 1st May 1964 held by M/s. Universal Cables Ltd., Satna, the details of which are published under S.O. 2651 in

the Gazette of India, Part II, Section 3, Sub-section 3(ii), dated 5th August 1967, Paper Insulated Lead Sheathed Cables (with Aluminium Conductors) for Electricity Supply, 22KV, conforming to IS:692-1965, have been included with effect from 25th November 1967.

[No. MD/55:662.]

(DR.) SADGOPAL,
Dy. Director General.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 28th November 1967

S.O. 4635.—In pursuance of the provisions of sub-section (4) of section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works, Housing and Urban Development, Government of India, New Delhi for allotment to the Educational Institutions.

SCHEDULE

Piece of land measuring 99.7 acres bearing Khasra Nos. 182 min., 562/181 min., 185 min., 187 min., 188 min., 189 min., 190 min. 196 min. situated in Arak Pur Bagh Mochi Estate.

The above piece of land is bounded as follows:—

NORTH: Sanatan Dharam College.

SOUTH: Boundary Basant Nagar and Cantonment.

EAST: South Moti Bagh.

WEST: Cantonment.

[No. L16(364)57.]

M. L. MONGIA, Secy.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 15th December 1967

S.O. 4636.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the 2B and 2C Inclines Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 12th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERNECE No. 74 OF 1967

PARTIES:

Employers in relation to the 2B & 2C Inclines Ranipur Colliery of M/s.
Equitable Coal Company Limited,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers:

On behalf of Workmen:

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/59/67-LRII dated 21st September 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to 2B and 2C Inclines Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen in respect of the matters specified in the following schedule:

"Whether the management of Ranipur Colliery of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan was justified in reducing the basic wages of S/Shri Prahallad Mukherjee, Timber Mistry and Karali Prasad Bhandari and Noor Mohammed, Timber Mazdoors, at the time of their employment in the Ranipur Colliery after transfer from their previous employers Messrs S. Mondal & Company? If not, to what relief are the workmen entitled?"

2. The three workmen concerned, namely Shri Prahallad Mukherjee, Timber Mistry, Karali Prasad Bhandari, Timber Mazdoor and Noor Mohammad, Timber Mazdoor were in service under Messrs S. Mondal & Company, who were raising contractors under Messrs Equitable Coal Company Limited in respect of 2B and 2C Inclines Ranipur colliery. In August 1965 raising was taken over by the company direct and the three workmen who were in service of the contractors were also taken in direct service under the management. The three workmen were receiving higher rate of pay under the contractors than that fixed by the All India Industrial Tribunal (Colliery Disputes) award as modified by the L.A.T. decision and Das Gupta award. When they were taken into direct employment under the company, the company refused their pay at the scale prescribed by the above Tribunals. The workmen therefore suffered reduction in pay and over this they raised the present dispute.

3. The case was fixed for fixing date of hearing on 16th December 1967. In the meantime however the parties have sent by registered post a joint petition of compromise stating that the dispute has been amicably settled; with the implementation of the Wage Board recommendation by the employers with effect from 15th August, 1967, the three workmen have received substantial increase in their wages and they no longer want to press their dispute with the employers. The company has further agreed to pay to Shri Prahallad Mukherjee, Timber Mistry, an ex-gratia amount of Rs. 100/-. The terms appear to be reasonable and are accepted.

4. An award is made in terms of the petition of compromise, a copy of which shall form part of the award. As the date of making payment of the ex-gratia amount has not been mentioned in the petition, I direct that the same be paid within one month of the publication of the award.

(Sd.) S. K. SEN,

7th December, 1967.

Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

In the matter of Reference No. 74 of 1967 in respect of the Industrial Dispute

BETWEEN

The employers in relation to the 2B and 2C Inclines, Ranipur Colliery

AND

Their Workmen.

The humble petition submitted jointly by the parties

Most respectfully sheweth:—

That the above Industrial Dispute has been amicably settled by the parties on the following terms:—

- (1) That with the implementation of the Wage Board recommendations by the employers with effect from the 15th August 1967 the three workmen concerned in the dispute have received substantial increase

in their wages and they have no grievance against or dispute with the employers.

(2) That Sri Prahlad Mukherjee, Timber Mistry will be paid an ex-gratia amount of Rs. 100/- (Rupees One hundred) by the employers.

(3) That the parties will bear their own cost.

It is, therefore, prayed that the above compromise may kindly be recorded and an award passed in terms thereof.

For and on behalf of workmen:

(Sd.) J. PANDAY,
General Secretary,
Colliery Mazdoor Congress,
Goral Mansion, G.T. Road,
Asansol.

For and on behalf of Messrs

Equitable Coal Co., Ltd.,
Dishergarh, P.O., Burdwan Dt.
(Sd.) G. S. D. TANEJA,
Chief Mining Engineer,
M/s. Equitable Coal Co., Ltd.,
Dishergarh P.O., Burdwan Dt.
Owner of Ranipur Colliery.

Ref. No. Lab/67/385/4281

Dishergarh.

Dated the 2nd/4 December, 1967.

[No. 6/59/67-LRII.]

S.O. 4637.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad and their workmen, which was received by the Central Government on the 14th December, 1967

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 70 OF 1967

PARTIES:

Employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad.

AND

Their workmen

PRESENT:

Sri Nandagiri Venkata Rao—*Presiding Officer*.

APPEARANCES:

For the Employers—Sri S. R. P. Singh, Labour Officer.

For the Workmen—Sri Prasant Burman, Secretary, Khan Mazdoor Congress.

STATE: Bihar

INDUSTRY: Coal

Dhanbad, dated the 12th December, 1967/21st Agrayayana, 1889

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad, and their workmen by its order No. 2/61/65-LRII dated 15-9-1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in

respect of the matters specified in the Schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited was justified in suspending the following workmen for the period mentioned against their names:—

Name of the workmen	Period of suspension
1. Sri Janak Mahato, C.C.M. Helper	16-2-1965 to 24-2-1965
2. Sri Sunder Murai, Miner of No. 4 Pit	10-3-1965 to 13-3-1965

If not, to what relief are the workmen entitled?"

2 The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 148 of 1965 on its file. The employers as well as the workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceedings was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967 under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 70 of 1967.

3. On 21st November, 1967. Sri Prasant Burman, Secretary, Khan Mazdoor Congress, representing the workmen stated that the workmen are no more interested in the reference and that, as such, no enquiry is necessary to adjudicate the dispute. In the circumstance I consider that no enquiry is necessary. Hence, the award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,
Presiding Officer,
Central Government,
Additional Industrial Tribunal,
Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

REFERENCE No. 70 of 1967

Employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, P.O. Malkera, Distt. Dhanbad

AND

Their workmen

List of Documents Admitted for the Employers

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted after or without obj.
Ext.M1	Letter No. K.M.C.-92/65 of 26-3-65 from Secretary Khan Mazdoor Congress to Conciliation Officer, Dhanbad	14-9-67	Admitted.

List of Documents Admitted for the Workmen

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted after or without obj.
Nil.	Nil.	Nil.	Nil.

(Sd.) N. VENKATA RAO,

Presiding Officer,
Central Government,
Additional Industrial Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT
DHANBAD

REFERENCE NO. 70 OF 1967

Employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Vs. their workmen

List of Witness Examined for the Employer

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

List of Witness Examined for the Workmen

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

(Sd.) N. VENKATA RAO,

Presiding Officer,
Central Government,
Additional Industrial Tribunal, Dhanbad.

[No. 2/61/65-LRII.]

S.O. 4638.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bankolla Colliery Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 14th December, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 51 OF 1967

PARTIES:

Employers in relation to the Bankolla Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Narsingh, Advocate.

On behalf of Workmen—Shri Benarsi Singh Azad, Genl. Secretary, Khan Mazdoor Congress.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/101/66-LRII dated 3rd June, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bankolla Colliery, P.O. Ukhra, Distt. Burdwan and their workmen in respect of the matters mentioned in the following schedule:

“Whether the management of Bankolla Colliery, Post Office Ukhra, District Burdwan was justified in stopping from work Shri Bhubon Bouri, Surface Trammer, with effect from the 17th May, 1966? If not, to what relief is the workman entitled?”

2. Bhubon Bouri was employed as a surface trammer at Bankolla colliery from 1956. He had cataract in both eyes and was operated upon for cataract at Kalla Central Hospital towards the end of September, 1965 after he had completed more than 9 years' service. After he was discharged from the hospital he was not allowed to join his job as a trammer. He was informed by a letter of the Manager dated 15th June, 1966, that he was recommended light job on the surface by the doctor of the Central Hospital, Kalla, but that the company had no light job on surface for him. On 6th September, 1966 the Organising Secretary of the Khan Shramik Congress made a complaint about Bhubon Bouri's case to the A.L.C., Central, Raniganj. There was conciliation proceedings before the A.L.C. in question but as no settlement could be arrived at, the dispute was referred to adjudication.

3. The union in its written statement has said that the management was displeased with Bhubon Bouri for joining the branch of the Khan Mazdoor Congress at Bankolla colliery; that though Bhubon Bouri had to undergo an operation for cataract he did not lose his efficiency because of the operation and he was declared fit on the 16th May, 1966 and reported for duty on 17th May, 1966, but the management refused to employ him in his original job and informed him by a letter dated 15th June, 1966 that the doctor had recommended a light job for him on the surface but the company had no such light job to offer; that the workman was fit for his original job and it was therefore unfair on the part of the management to refuse him his original job or even a light job. The union wants reinstatement of Bhubon Bouri in his original job or any other similar job and also wages or allowance for the period of non-employment.

4. According to the written statement of the management the management was not aware of the trade union activities of the workman concerned, but after he had undergone operation for cataract, the management did not consider that he had maintained his previous efficiency to work as a surface trammer, and that though the medical officer had first declared him fit for any work on the surface, the management wrote back to the medical officer and then the medical officer replied that the workman was fit for a light job on the surface. According to the management there was no such light job to offer to Bhubon Bouri and the management was not bound to offer a light job to a man who could not do his original job and therefore the workman is not entitled to any relief.

5. Neither the management nor the workman has produced the certificate of fitness which was issued by the medical officer of Kalla central hospital on the discharge of Bhubon Bouri from the hospital. Bhubon Bouri in his deposition before the tribunal has stated that he handed over the certificate to the Junior Welfare Officer of the company and did not get it back. The Junior Welfare Officer, Shri S. N. Saigal, has deposed for the management and stated that after the manager had issued the letter dated 15th June, 1966 informing Bhubon Bouri that he had been recommended a light job, but the company had no light job to offer, Bhubon Bouri came to him and asked for the original treatment ticket on which the medical officer of Kalla had endorsed his opinion as to the man's fitness, saying that he wanted to show the same to the doctor of Kalla hospital; and then he returned that ticket to the workman concerned and did not get it back. It is however admitted in the written statement of the management that the original opinion given by the Medical Officer, Kalla hospital was that Bhubon Bouri was fit for any work on the surface. This also appears from the contents of the letter Ext C, dated 12th March, 1966 which the manager wrote to the medical officer, Kalla hospital. In that letter there is reference to the medical officer's endorsement

on the treatment ticket with the date 22nd February, 1966, that Bhubon Bouri could do any surface job; the manager then briefly described the job of a trammer, and said that the job was an arduous job involving a lot of quick physical movements, and asked for the opinion of the medical officer whether Bhubon Bouri could be employed as a trammer after his operation for cataract. The reply which the medical officer gave to the manager has not been produced by the management and an adverse inference might be drawn against the management. Shri D. Narsingh has relied on a statement made by the Organising Secretary of the union in the letter, Ext. A, by which he made the complaint on 6th September, 1966 regarding Bhubon Bouri to the A.L.C. Central, Raniganj; therein it was stated that the workman was advised by the doctor, Central hospital, Kalla to do light job at the surface on 16th May, 1966 and that he reported accordingly to the manager on 17th May, 1966. During arguments, Shri Benarsi Singh Azad appearing for the union has stated that the workman or the Organising Secretary of the union did not see any written opinion of the medical officer, Kalla that the workman was fit for light job only; and that such a representation was made in the letter, Ext. A, because the workman had been informed by the letter, Ext. D dated 15th June, 1966 that that was the opinion of the doctor, Central hospital, Kalla. Before the tribunal no evidence has been led to show that the second opinion was given by the doctor of Kalla Central Hospital on 16th May, 1966. That date given in the letter of complaint, Ext. A dated 6th September, 1966 appears to have been a piece of guess work on the part of the Organising Secretary of the union after hearing the workman concerned. Shri Azad has urged that in view of the original opinion of the medical officer, Kalla, the management ought to have allowed Bhubon Bouri to join his original job as a surface trammer, for the Doctor had said that the man was fit for any work on the surface. If however the manager considered it risky then to employ Bhubon Bouri as a trammer, he was competent to ask the Medical officer again. It is a pity that the letter containing the second opinion has not been produced. Even assuming that the second opinion of the doctor was that the man should be given a light job on the surface, there is no reason why such a light job should not have been given to Bhubon Bouri by the management, Bhubon Bouri having been a permanent workman who had put in more than 9 years' service before his operation. Shri Narsingh has referred to a decision of the L.A.T., Udipi Srikrishna Vilas v. City Hotel Workers Organisation (1965 II LLJ 43). In that case a man engaged as a waiter at a hotel had become unfit for his original job because of disease in the left thigh bone and fracture of the left thigh bone. The doctor in that case had recommended a job which did not involve much walking. The L.A.T. held that the company was not bound to create a job involving lighter work suitable for the workman concerned. It may be correct that the company is not bound to create a light job to suit a particular workman; but a Bankolla colliery about 2,200 men are employed and at least 40 or 50 are badli or temporary men, and there are several descriptions of job involving light work in category 1 and other categories which might have been offered to the workman concerned. The union has led evidence to show that such offer of light work was made to other permanent workmen who because of accident became unfit for their original jobs and were recommended light work. One such case was that of Rachia Robidas, who was originally a clip man, and after he had met with an accident involving fracture of his hip bone and knee joint, he was given light work as a gateman; and when the company wanted him to resume a more strenuous job like his original job, he refused to do so and a dispute arose, and at the intervention of the Conciliation Officer he was given the work of a pump khalasi. Bhubon Bouri has mentioned another case, namely that of Jogi Robidas, who was originally a loader; when he was recommended light work after an accident he was allowed to work as a fan mazdoor. The letter, Ext. B, addressed by the A.L.C., Raiganj to the General Secretary, Khan Shramik Congress with a copy to the manager, Bankolla Colliery dated 4th January, 1967 shows that the A.L.C. considered that by that time Bhubon Bouri must have become fit for his original work as a trammer and the General Secretary was asked to advise Bhubon Bouri to report to the management for employment in his original job and report the result on 15th January, 1967. No evidence has been given as to what happened thereafter. But it is clear that the workman concerned was not allowed to rejoin his original job by 15th January, 1967.

6. On behalf of the union it has been suggested that the management took a harsh attitude against Bhubon Bouri because of, his membership of the Khan Shramik Congress which the management has not yet recognised at Bankolla Colliery. There is no evidence to show that because of his union membership, the management refused to let him join either his original job or a lighter job; but since there is evidence that other workmen who were recommended light jobs were given light jobs, the refusal to give a light job, if a light job was recommended by the doctor, in the case of Bhubon Bouri must be considered as discrimination and therefore unfair labour practice. Bhubon Bouri has appeared before the tribunal

and he now appears to have fairly good eye sight with glasses and appears to be fit for his original job as surface trammer. He should therefore now be allowed to rejoin his original job. For the interval, i.e. the period of non employment he is not entitled to full wages because the letter of the manager dated 12th March 1966 shows that the manager did not consider him, in spite of the original opinion given by the medical officer, Kalla, as fit for doing the arduous work of a trammer; and whatever the second opinion of the medical officer, the union started the dispute on the footing that the workman should have been given a light job as recommended by the Medical Officer until he was fit to do his original job. There is evidence that in the meantime he has been staying in his village home near the colliery and looking after the work of cultivation and doing whatever work he gets. It would be proper in the circumstance to give him a compensatory allowance equal to 1/4th of his remuneration for the period from 15th June, 1966 the date of the management's letter refusing to employ him. Clearly the workman is entitled to some compensation because the management never finally discharged him, although the management by the letter Ext. D refused to give him a job, saying that there was no light job to give him at that time. As regards the date mentioned in the schedule of the reference order, namely 17th May 1966, there is no evidence that the workman went to report for work on that day, even though such an averment was made in the written statement of the union. The evidence before the tribunal shows that after his convalescence, he was definitely refused a job on 15th June, 1966. It must be held that he was fit for at least a light job from 15th June 1966 and the allowance 1/4th of his remuneration will be calculated from that date.

7. My award there is that the management of Bankolla Colliery was not justified in stopping Shri Bhubon Bouri Surface Trammer, from work i.e., refusing any kind of work to him with effect from 15th June, 1966. I direct that he be allowed to join his original job as surface trammer within one month of publication of the award and that he be paid compensation at the rate of 1/4th of the earnings which he had before he was admitted to the hospital for his cataract operation, from 15th June, 1966 until the date when he is taken back in his old post.

Sd./- S. K. SEN,

Presiding Officer.

[No. 6/101/66-LRII.]

Dated, 11th December, 1967.

New Delhi, the 16th December 1967

S.O. 4639—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the North Badjna Colliery, Post Office Nirsachatti (District Dhanbad) and their workmen, which was received by the Central Government on the 14th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 56 of 1967

PARTIES:

Employers in relation to the North Badjna Colliery, Post Office Nirsachatti (District Dhanbad)

AND

Their workmen.

PRESENT:

Sri Nandagiri Venkate Rao, Presiding Officer.

APPEARANCES:

For the employer: Sri S. S. Mukherjee, Advocate.

For the workmen: Sri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, dated the 31st December, 1967.

AWARD

The Central Government being of opinion that an industrial dispute exists between the employers in relation to the North Badjna Colliery, Post Office Nirsachatti (District Dhanbad) and their workmen, by its order No. 1/28/64-LR-II dated

the 16th July, 1965 referred to the Central Government Industrial Tribunal Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matter specified in the schedule annexed thereto. The schedule is extractd blow:

SCHEDULE

"Whether the dsmissal of the workers whose names are given below, with effect from the 6th June, 1964, by the management of North Badjna Colliery was justified? If not, to what relief are they entitled?"

1. Sri Mati Roy.
2. Sri Modhu Turi.
3. Sri Guli Turi.
4. Sri Ghutu Singh.
5. Sri Satish Gorai.
6. Sri Basdeb Turi.
7. Sri Bishu Turi.
8. Sri Bhola Singh.
9. Sri Ch. Sahadev Turi.
10. Sri Lalchand Missir
11. Sri Maroo Turi.
12. Sri Abdul Mia.
13. Sri Gopal Turi.
14. Sri Dhurlav Gorai.
15. Sri Huru Turi.
16. Sri Raman Baouri.
17. Sri Rampayara Gope.
18. Sri Bahadur Singh
19. Sri Kirty Roy.
20. Sri Dhaneshwar Turi.
21. Sri Lekha Turi."

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 115 of 1965 on its file. The employers as well as the workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceedings was transferred to this Tribunal by the Central Government by its order No. 8/25/1967-LRII dated 8th May 1967 under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 56 of 1967.

3. All the 21 affected workmen were trammers and are dismissed from service with effect from 6th June 1964 as a result of a domestic inquiry held against them. The charge against them was that they refused to push empty tubs in violation of terms of the settlement entered into by them through their accredited representatives and the management of the employers in presence of the Conciliation Officer (C) Dhanbad. The case of the employers in brief is this: All the 21 affected workmen were piece rated underground trammers. After issuing notices under Section 9(a) of the Industrial Disputes Act, 1947 dated 18th February 1964 they were made time rated trammers with effect from 16th March 1964. Against this action the Union of the affected workmen raised an industrial dispute before the Conciliation Officer, Dhanbad. During the conciliation proceedings a settlement was reached on 25th May 1964 between the management of the employers and the affected workmen represented by Lala B. P. Sinha, Member Central Executive Committee and Bindeshwari Sharma, Branch Secretary of the Colliery Mazdoor Sangh. The main terms of the settlement were:

- "(1) The trammers will be made piece rated once again with effect from 1st June 1964, provided they push empties and they would be paid Rs. 0.87 for trammimg and Rs. 0.25 np. for pushing empties, making a total of Rs. 1.12 np. per tub.
- (2) This rate is exclusive of V.D.A. and interim relief as these payments are made on attendance.
- (3) These trammers will continue pushing empties so long as the management desire them to do so.
- (4) As and when pushing of empties by the trammers is stopped by the management, the trammers will be paid Rs. 0.87 np. only as trammimg charges and they will continue to remain on piece rate."

The above terms of the agreement were known to the representatives of the affected workmen and they were also widely published among the affected workmen. In spite of the above settlement and repeated orders 24 underground trammers,

including the 21 affected workmen refused to push empties and thus disobeyed the lawful order of the management. Hence, chargesheets dated 2nd June 1964 were served on all the 21 affected workmen and three others. The three other workmen pleaded guilty to the charges and agreed to push empties, but the 21 affected workmen refused to do so. Separate departmental enquiries were held in batches giving full opportunity to the affected workmen to cross examine the prosecution witnesses and defend themselves. As a result of the enquiry the misconduct mentioned in the chargesheets was satisfactorily established and the affected workmen were, therefore, dismissed from service by the letter dated 6th June 1964. The affected workmen deny knowledge on their part that they had been converted to time rated and again to piece rated trammers. They admit, however that against the action taken by the management of the employers converting them into time rated trammers, an industrial dispute was raised on their behalf before the Conciliation Officer (C), Dhanbad and a settlement embodying the terms pleaded by the employers was prepared and signed by both the parties. But they contended that the settlement was only a draft. They took further objections against the settlement that at the time of preparation of the settlement the representatives of the affected workmen had no knowledge about the existence of another seam with a distance of 2500 feet in addition to the one with a distance of about 500 feet, that under the settlement the management of the employers tried to force the affected workmen to push the empty tubs as well as loaded tubs at the seam where the pushing was 2500 feet at the same rate of Rs. 0.25 per empty tub, that the representatives of the workmen did not inform the affected workmen about the settlement as it was not finalised and that the refusal on the part of the affected workmen to push the empty tubs was justified and legal. The affected workmen also admitted the domestic enquiry held against them, but described it as perfunctory, mala fide and in breach of the principles of natural justice.

4. The workmen were represented by Sri Shanker Bose, Secretary, Colliery Mazdoor Sangh and the employers by Sri S. S. Mukherji, Advocate. By consent of the workmen Exts. M1 to M18 for the employers and by consent of the employers Exts. W1 to W7 for the workmen were marked. Neither party examined any witness.

5. The whole case hinges upon the settlement, Ext. M4, which is the same as Ext. W4. Admittedly, it was entered into by the accredited representatives of the workmen and the employers. As per the terms of settlement the trammers, inclusive of the affected workmen were converted to piece rated trammers on condition that they push empty tubs as long as the management desired them to do so. This settlement was arrived at by the parties during the conciliation proceedings contemplated under Sub-Section 3 of Section 12 of the Industrial Disputes Act, 1947 and, under Section 19 it has come into operation on the same date on which the settlement was signed by the parties, namely, 25th May 1964 and it was binding on the parties as long as it was not repudiated by them. Under Section 19 no circumstances are mentioned under which either of the parties to the settlement could refuse to abide by it. Admittedly the affected workmen refused to push empty tubs in terms of the settlement. The plea taken by the workmen is that the settlement was not finalised and that it was not binding on the trammers as it was an outcome of a misunderstanding on the part of the representatives of the workmen. When in para 6 of the statement of demands the workmen have categorically admitted that the settlement was signed on their behalf, I could not understand what they mean by saying that the settlement was a draft. I do not find any force in the objection. Under Section 9(a) of the Industrial Disputes Act, 1947, employers were obliged to issue a notice when they proposed to affect any change in the conditions of service applicable to workmen in respect of any matter specified in the fourth schedule. When the employers in the instant case proposed to convert the piece rated trammers to time rated trammers they issued the notice, Ext. M1 followed by the notices, Exts. M2 and M3 calling upon them to push empty tubs. Aggrieved by the action of the employers the workmen, through their representatives took the dispute to the conciliation Officer under Section 12 of the Industrial Disputes Act, 1947. But they never mentioned that they refused to push empty tubs because one seam was of 500 feet and the other of 2500 feet in distance. It is difficult to believe that the workmen might not have brought the fact to the notice of their representatives. Their representatives having signed the statutory settlement the workmen are bound by the settlement under Rule 37 of the Industrial Disputes (Central) Rules, 1957 and it is not open to them to question it. Ext. W5 is a letter addressed by the General Secretary, Koyala Mazdoor Sabha on behalf of the workmen to the Conciliation Officer (Central), Dhanbad setting that the settlement, Ext. W4 was subject to the condition that

if it was not approved by majority of the workmen concerned it would be modified, amended and altered or rejected. But the settlement, Ext. W4 does not mention any such condition. The workmen did not choose to substantiate their case by examining the Conciliation Officer or any witness, not even the representatives of the workman who signed the settlement. To the letter, Ext. W5 the Conciliation Officer sent a reply, Ext. W6, denying the contents of the workmen's letter, Ext. W5 and stating that on 25th May 1964 the management agreed to the suggestion given by the representatives of the workmen, that the issue was resolved to the satisfaction of both the parties and that the settlement should be implemented. The contention of the workmen that the settlement was only a draft or that it was subject to some condition is contradicted of their letter, Ext. W7 addressed to the manager on 30th June 1965. Through the letter they stated that they intended to terminate the settlement dated 25th May 1964 after two months and that after expiry of the period of two months the settlement would stand null and void. Presumably this letter, Ext. W7 was meant to be a notice under sub-section 2 of Section 19 of the Industrial Disputes Act, 1947. But under the sub-section the notice shall come into operation only after six months from the date on which the settlement was signed by the parties, as no period of operation was mentioned in the settlement. For these reasons I find no substance in the contention that the settlement, Ext. M4 was an outcome of any misunderstanding or its binding nature could be ignored by the workmen.

6. As the affected workmen and three others refused to push empty tubs in terms of the settlement, Ext. M4 the employers issued to them chargesheets, Exts. M6, M7, M8 and M9. The replies submitted by the affected workmen and three others to the chargesheets are Ext. M1. Exts. M10(a), M10(b) and M10(c) are the replies by the three workmen other than the affected workmen admitting their obligation to push empty tubs and expressing their willingness to do so. The replies submitted by the affected workmen are common and they are to the effect that they had no knowledge of the settlement. Ext. M4 and that it was prejudicial to their interest. Ext. M11 are the enquiry proceedings. Ext. M15 the enquiry report and Ext. M16 the order of the Director dismissing the affected workmen. From the enquiry proceedings, Ext. M11 I find that the affected workmen attended the enquiry, refused to cross examine the prosecution witnesses and also refused to give their thumb impressions on the statements. The evidence of the prosecution witnesses is that the affected workmen refused to push empty tubs. The fact is admitted by the workmen even now. The workmen have taken the plea that the enquiry was prefutury and that it against principles of natural justice. But it is not even suggested in what way they were so. Disobedience of lawful and legal orders is a misconduct under the Standing Orders, to be visited by the penalty of dismissal. I do not find any flaw in the enquiry or the dismissal order. I do not also find any justification on the part of the workmen to violate the terms of the settlement, Ext. M4.

7. I, therefore, hold that the dismissal of the affected workmen whose names are given below with effect from the 6th June, 1964 by the mangement of North Badjna Collicry was justified, and, consequently, they are not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

1. Sri Matl Roy.
2. Sri Modhu Turi.
3. Sri Gull Turi.
4. Sri Chutu Singh.
5. Sri Satish Gorai.
6. Sri Basdeb Turi.
7. Sri Bishu Turi.
8. Sri Bhola Singh.
9. Sri Ch. Sahadev Turi.
10. Sri Lalchand Missir.
11. Sri Maroo Turi.
12. Sri Abdul Mia.
13. Sri Gopal Turi.
14. Sri Dhurilav Gorai.
15. Sri Huru Turi.
16. Sri Raman Baouri.
17. Sri Rampayara Gope.
18. Sri Bahadur Singh.

19. Sri Kirty Roy.
20. Shri Dhaneswar Turi.
21. Sri Lekha Turi."

(Sd.) N. VENKATRAO,
Presiding Officer.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.2) AT
DHANBAD
REFERENCE No. 56. OF 1967

Employers in relation to the North Badjna Colliery Post Office Nirsachatti, District Dhanbad.

AND

Their workmen

List of Documents Admitted in evidence for the Employers

Distinguishing mark or number	Description of document & dt.	Date of admission	Whether admitted after or without objection
1	2	3	4
Ext. M1	Office copy of the letter to the Chief Labour Commissioner (C), New Delhi, dt. 18-2-64 enclosing form E.	8-8-67	Admitted
Ext. M2	Office copy of the letter by the Manager to all trammers dt. 17-3-64.	Do.	Do.
Ext. M3	Office copy of the letter by the Manager to all trammers dated 18-4-64.	Do.	Do.
Ext. M4	Original letter by the Conciliation Officer (C) to the Manager, dt. 29-5-64.	Do.	Do.
Ext. M5	Office copy of the letter by the Manager to the Conciliation Officer (C) Dhanbad dt. 2-6-64.	Do.	Do.
Ext. M6	Office copy of chargesheet dt. 2-6-64 issued to S/Shri Lalchand Misir, Karu Turi, CH. Mahabir Turi, Durlav Gorai, Bahadur Singh, Bholu Singh & Chutu Singh.	Do.	Do.
Ext. M7	Office copy of chargesheet dt. 2-6-64 issued to S/Sri Lekha Turi, Gul Turi, Huru Turi Sahadeb Turi, Dhaneswar Turi, Kirty Roy, Abdul Mia and Moti Roy.	Do.	Do.
Ext. M8	Office copy of chargesheet dt. 2-6-64 issued to Sri Ramen Bauli, Rampeara Gope, Ramsevak Gope, Laton Bhua, Satish Gorai and Gopal Turi.	Do.	Do.
Ext. M9	Office copy of chargesheet dt. 3-6-64 issued to S/Sri Basdeb Turi, Bisu Turi and Madhu Turi.	Do.	Do.
Ext. M10	Reply to chargesheet 24 sheets	Do.	Do.

1	2	3	4
Ext. M11	Original departmental enquiry proceedings held on 4-6-64 - 2 sheets	8-8-67	Admitted
Ext. M12	Do. held on 5-6-64-3 sheets	Do.	Do.
Ext. M13	Do. held on 5-6-64-2 sheets	Do.	Do.
Ext. M14	Do. held on 5-6-64- 2 sheets	Do.	Do.
Ext. M15	Letter dt. 5-6-64 forwarding the report of enquiry officer to Director	Do.	Do.
Ext. M16	Office copy of letter of dismissal dt. 6-6-64	Do.	Do.
Ext. M17	Original letter dt. 28-8-64 by S/Sri Ramen Bauri, Dhurlav Gorai, Satish Gorai to the owner and Manager	Do.	Do.
Ext. M18	Original letter dt. 30-6-65 by colly Mazdoor Sangh to Manager, North Badjina colliery terminating the agreement dt. 25-5-64	Do.	Do.

List of Documents Admitted in evidence for workmen

Distinguishing mark or number	Description of document & dt.	Date of admission	Whether admitted after or without objection
Ext. W1	Reply to chargesheet dt. 28-4-64	8-8-67	Admitted
Ext. W2	Letter to R. L. C. dt. 23-4-64	Do.	Do.
Ext. W3	Letter of Conciliation officer dt. 16-5-64	Do.	Do.
Ext. W4	Do. dt. 29-5-64	Do.	Do.
Ext. W5	Do. dt. 3-6-64	Do.	Do.
Ext. W6	Do. dt. 16-6-64	Do.	Do.
Ext. W7	Do. dt. 30-6-65	Do.	Do.

(Sd.) N. VENKATA RAO,
Presiding Officer.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

REFERENCE NO. 68 OF 1967

Employers in relation to North Badjina Colliery, P. O. Nirsachatti, District Dhanbad.

AND

Their workmen

List of witness examined for the Employer

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

List of witness Examined for Workmen

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

(Sd.) N. VENKATA RAO,
Presiding Officer.
[No. 1/28/64-LRII.]

S.O. 4640.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the Loyabad Colliery (North) of Messrs Burrakur Coal Company Limited, Post Office Bansjora (Dhanbad) and their workmen, which was received by the Central Government on the 14th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 79 OF 1967.

PARTIES:

Employers in relation to the Loyabad Colliery (North) of Messrs Burrakur Coal Co. Ltd., Post Office Bansora, District Dhanbad.

AND

Their workmen.

PRESENT:

Sri Nandagiri Venkata Rao.—*Presiding Officer.*

APPEARANCES:

For the employers.—Sri J. L. Sinha, Group Personnel Officer.

For the workmen.—Sri Lalit Burman, Secretary, Bihar Koyala Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 12th December, 1967.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Loyabad Colliery (North) of Messrs Burrakur Coal Co., Ltd., Post Office Bansjora, District Dhanbad, and their workmen by its order No. 2/84/65-LRII dated 26th October, 1965, referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"1 Whether the management of Loyabad Colliery (North) was justified in refusing employment to Sri Ramrup Routh, Trammer, with effect from the 21st May, 1965 and finally dismissing him from service with effect from the 12th June, 1965?

2. If not to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 176 of 1965 on its file. The employers as well as the workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th

May, 1967, under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 79 of 1967.

3. The affected workman, Ramrup Routh (hereinafter referred to as the affected workman) was a trammer in the colliery of the employers. He is dismissed from service by the employers with effect from 12th June, 1965, as the result of the findings in the domestic enquiries held against him in respect of the chargesheets dated 12th May, 1965, and 24th May, 1965. The facts leading to the chargesheets are in a narrow compass and they will be stated in brief. On 10th May, 1965, the affected workman received a telegram that his mother was in a hopeless condition and that he should go to her immediately. On this he went to the office of the management, got prepared an application for 10 days leave from 10th May, 1965, to 20th May, 1965, and tried to obtain the leave sanctioned, but he could not succeed. On 11th May, 1965, he approached the Agent with the leave application and telegram, complaining that he was running from door to door with the leave application and telegram but the leave was not granted and that the Agent should kindly intervene and advise the office to grant him leave for 10 days as prayed for by him. Even this effort of the affected workman did not produce the desired effect. Without waiting further he left the colliery on the night of 11th May, 1965. These facts are not in dispute. The case of the workman is that the affected workman returned to duty on 21st May, 1965, but the management did not allow him to join duty, that on 24th May, 1965, the management issued to him a chargesheet dated 12th May, 1965, alleging that he presented himself at the attendance cabin on 10th May, 1965, and got his attendance marked for the second shift but was absent from duty in the whole shift and another chargesheet dated 24th May, 1965, alleging absence from duty from 10th May, 1965, to 22nd May, 1965, for more than 10 days without permission, that he submitted his explanations to the chargesheets denying the allegations that the management held enquiries on 27th May, 1967, and that the enquiries were neither fair nor just. The defence pleaded by the employers is that the affected workman got his attendance marked for the second shift on 10th May, 1965, with the ulterior motive of benefitting himself unjustly, that he absented himself for more than 10 days from 10th May, 1965, to 24th May, 1965, without permission, that the two chargesheets served on him were enquired into properly and in accordance with the principles of natural justice, that the enquiry officer found the affected workman guilty of both the charges and that the punishment of dismissal awarded to the affected workman with effect from 12th June, 1965, was proper and justified.

4. The workmen were represented by Sri Lalit Burman, Secretary Bihar Kowala Mazdoor Sabha and the employers by Sri J. L. Sinha, Group Personnel Officer. By consent of the workmen Exts. M1 to M10 for the employers and by consent of the employers Exts. W1 to W5 for the workmen were marked. On behalf of the workmen a witness is examined. The employers did not examine any witness.

5. It is admitted that on 10th May, 1965, the affected workman received a telegram, Ext. M3 that his mother was seriously ill and he should proceed to her side immediately and that he got the leave application, Ext. M2 prepared by the office praying for leave for 10 days from 10th May, 1965, to 20th May, 1965. It appears from the statement of Sri K. P. Chatterji, found in the enquiry proceedings, Ext. M6 that the leave application, Ext. M2 was prepared by him. It is not denied by the employers that for some reason or other the leave asked for was neither granted nor refused to the affected workman and, consequently, he had submitted the application, Ext. W3 to the Agent. The allegation of the employers is that in the second shift on 10th May, 1965 the affected workman presented himself at the attendance cabin for his attendance, but absented himself from his place of work in the whole shift. With this allegation the chargesheet, Ext. M4 was served on him, stating that his act amounted to "fraud and dishonesty in connection with the company's business". The affected workman replied to the charge allegations/denying it and stating that he went to the pit top only to inform the attendance clerk that he would not be able to work. He further stated in his reply that as a consequence of his report to the attendance clerk one Badli workman was arranged in his place. In the domestic enquiry the attendance clerk, Umakant Singh and the assistant manager K. M. Singh deposed that the affected workman got his attendance recorded and that he was found absent underground in his place. The enquiry officer found the evidence credible and the charge allegation proved. It is contended on behalf of the employers that the act of "fraud and dishonesty in connection with the company's business" is a misconduct as per standing orders 27(2) of the Certified Standing Orders for which the guilty employee could be suspended, fined or dismissed. Even assuming that the finding

of the enquiry officer is correct I cannot agree that the affected workman deserved the maximum punishment of dismissal. Admittedly, he got the leave application prepared and was moving about to get it sanctioned in his eagerness to proceed to the side of his ailing mother and, as such the explanation of the affected workman that he went to the attendance clerk only to tell him about his inability to join duty but not to get his attendance marked, cannot be an unreasonable one. The simple fact found by the enquiry officer was that having got his attendance marked he absented himself from his place of duty without permission. "Leaving work without permission is mentioned in clause 18 of S.O. 27. That apart I also find S.O. 10 which reads thus: "any employee who, after going underground or after coming to his work in the department in which he is employed, is found absent from his proper place or place of work during working hours without permission from the appropriate authority or without any sufficient reason shall be liable to be treated as absent for the period of his absence and renders himself liable for misconduct." I find considerable force in the contention on behalf of the workmen that the employers tried to exaggerate to the maximum extent the seriousness of the fault committed by the affected workmen and that the enquiry officer was prejudiced against the affected workman when he made the observation, "Instead he got his attendance recorded and remained absent from his place of work if not detected would have ended in payment for the day which he does not deserve at all. If this was not detected the workman concerned would have also got the benefit for the day in his leave, bonus etc. This action on the part of the workman amounts to fraud and dishonesty in connection with the company's business." The enquiry officer simply found the affected workman absent on his work spot, but did not find that it was "without any sufficient reason". I consider, particularly, in view of the mitigating circumstances of his mother's serious illness, the finding of the enquiry officer and the consequent punishment of dismissal awarded to the affected workman as not justified.

6. The other chargesheet served on the affected workman was dated 24th May, 1965, and it is Ext. M1. The allegation was that he absented himself for more than 10 days without leave or permission from 10th May, 1965, to 22nd May, 1965. In the explanation to the charge the affected workman has admitted that he was absent from 10th May, 1965, to 21st May, 1965, but stated that he was compelled to leave the colliery owing to the serious illness of his mother after his efforts to get his leave sanctioned failed, in spite of his waiting till the evening of 11th May, 1965, and submitting his application to the Agent. The contention of the employers is that sanctioning of leave required a long procedure and that the affected workman was bound in duty not to leave the colliery till his leave was sanctioned, however long it took. No suggestion is made that the affected workman did not try seriously and to do what he could to get his leave sanctioned on 10th May, 1965, as well as on 11th May, 1965. He went to the utmost extent of approaching the agent seeking his help in the matter. In the Certified Standing Order I find S.O. 11 which prescribes the mode for applying for leave. It says, "Employees, who due to illiteracy do not apply in writing must apply verbally". Admittedly, the affected workman in the instant case is an illiterate person as he affixes his L.T.I's, as is seen from the exhibits of the employers themselves. In view of S.O. 11 it was sufficient for him to apply verbally for his leave and nothing more was expected by him. He applied instead through a written application to the highest authority of the colliery, namely, the Agent, for his leave. If the authorities of the colliery choose not to grant him leave or inform him accordingly, this act appears to me as nothing but the one motivated with victimisation for one reason or other. Further, S.O. 27(16) does not simply say "continuous absence without permission" but further proceeds to say that it must be "without satisfactory cause". The affected workman had sufficient cause, namely, serious illness of his mother. The enquiry officer in his report, Ext. M4 has given the finding that the act of the affected workman was, "absence without leave or permission." He did not apply his mind to see whether it was also, "without satisfactory cause." In this view I find that the finding of the enquiry officer was not supported by any material and it was perverse. In the statement of demands filed by them the employers have stated that the affected workman returned from home for duty only on 24th May, 1965, but in the chargesheet, Ext. M1 it was stated that the affected workman was absent from 10th May, 1965, to 22nd May, 1965. Thus, as the result of my above discussion I find that the affected workman is not entitled to his wages or dues for three days, from 20th May, 1965, to 22nd May, 1965, inasmuch as, he was due to report to duty on 20th May, 1965, but reported on 23rd May, 1965. His leave from 10th May, 1965, to 20th May, 1965, should be deemed as granted. The order of his dismissal, Ext. M10 cannot be upheld.

7. I, therefore, hold that the management of Loyabad Colliery (North) of Messrs. Burrakur Coal Company Limited was not justified in refusing employment to the affected workman Ramrup Routh, trammer, with effect from 23rd May, 1965, and finally dismissing him from service with effect from 12th June, 1965, and consequently, the affected workman, Rampur Routh is entitled to be treated as in continuous service with effect from 23rd May, 1965, with all his wages, and dues. His leave for the period from 10th May, 1965, to 20th May, 1965, should be deemed as granted, 3 days with pay and 7 days without pay as prayed for by him. He is not entitled to any wages or other dues from 20th May, 1965, to 22nd May, 1965. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,
Presiding Officer,
Central Government,
Additional Industrial Tribunal,
Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

REFERENCE NO. 79 OF 1967

Employers in relation to the Loyabad Colliery (North) of Messrs Burrakur Coal Co. Ltd.,
Post Office Bansjora, District Dhanbad.

AND

Their workmen.

List of Documents Admitted in Evidence for the Employers

Distinguishing mark or number	Description of document & dt.	Date of admission	Whether admitted after or without objection
Ext. M1	Chargesheet No. XVIII dt. 24-5-65 issued to Shri Ramrup Routh along with his reply thereto.	20-9-67	Admitted
Ext. M2	Leave application dt. 10-5-65	Do.	Do.
Ext. M3	One telegram	Do.	Do.
Ext. M4	Chargesheet No. XVII dt. 12-5-65 issued to Sri Ramrup Routh along with his reply	Do.	Do.
Ext. M5	Enquiry notice dt. 26-5-65	30-11-67	Do.
Ext. M6	Enquiry report	Do.	Do.
Ext. M7	Enquiry notice dt. 26-5-65	Do.	Do.
Ext. M8	Do.	Do.	Do.
Ext. M9	Enquiry report	Do.	Do.
Ext. M10	Letter of dismissal dt. 12-6-65	Do.	Do.
Ext. M11	Registered letter with A/D addressed to Ramrup Routh	Do. Do.	Do. Do.
Ext. M12	Do.	Do.	Do.

List of Documents Admitted in Evidence for Workmen

Distinguishing Mark or number	Description of document & dt.	Date of admission	Whether admitted by consent or on proof
Ext. W1	True copy of the leave application submitted by the workmen on 10-5-65.	30-11-65	By consent
Ext. W2	True copy of the telegram received by the workmen.	Do.	Do.
Ext. W3	True copy of the application dt. 11-5-65 submitted by the workmen to the Agent.	Do.	Do.
Ext. W4	True copy of the charge contained in the chargesheet dt. 12-5-65 and the reply thereto.	Do.	Do.
Ext. W5	True copy of the charge contained in the chargesheet dt. 24-5-65 and the reply thereto.	Do.	Do.

(Sd.) N. VENKATA RAO,
Presiding Officer
Central Government,
Additional Industrial Tribunal
Dhanbad.

APPENDIX II

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(No. 2) AT DHANBAD

REFERENCE NO. 79 OF 1967

Employers in relation to the Loyabad Colliery (North) of Messrs Burrakur Coal Co. Ltd.,
Post Office Bansjora, Distt. Dhanbad.

AND
Their Workmen.

List of Witness Examined for the Employer

No. of witness	Name of witness	Date of examination
NIL	NIL	NIL

List of Witness Examined for the Workmen

No. of witness	Name of witness	Date of examination
WWI	Sri Lalit Burman	30-11-67

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Government
Additional Industrial Tribunal,
Dhanbad.

2/84/65-LRII.]

S.O. 4641.—In pursuance of section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Sijua Colliery of M/s. Tata Iron and Steel Company Limited, Jamadoba, P.O. Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 12th December, 1967.

AWARD

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT DHANBAD.

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 57 OF 1963

PARTIES:

Employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Co., Ltd., Jamadoba, P.O. Jealgora, Dist., Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Kamla Sahal.—Presiding Officer.

APPEARANCES:

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—Shri D. Narsingh, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th November, 1967

AWARD

This case has been remanded by the Hon'ble High Court at Patna for re-hearing and disposal in accordance with law and in the light of observations made in the judgement.

2. The Ministry of Labour and Employment made the present reference under section 10(1) (d) of the Industrial Disputes Act, 1947, (here-in-after referred to as the Act) to this Tribunal by its order No. 2/35/63-LRII dated the 5th August, 1963, for adjudication of an industrial dispute between the employers in relation to the Sijua Colliery of M/s. Tata Iron and Steel Co., Ltd., and their workmen. The question posed in the schedule was as follows:

SCHEDULE

“Whether the dismissal of Shri Sarbanand Singh, Watchman, by the management of the Sijua Colliery of Messrs Tata Iron and Steel Company Limited with effect from the 23rd March, 1963 was legal and justified. If not, to what relief is he entitled?”

3. The management's case, in short, is that the workman concerned viz., Sarbanand Singh had lent money to Laloo Mahato, Pump Khalasi, one of the employees of the colliery and an incident leading to quarrel and exchange of words between the two took place when Sarbanand Singh attempted by force to take money from Laloo Mahato who was then going just after receiving his leave pay. This was misconduct in accordance with clause 19(13) of the standing orders which reads as under:

“(13) Lending money to or borrowing money from subordinate employees”.

Laloo Mahato made a complaint dated the 17th January, 1963, (Ext. M) in this connection. A chargesheet (Ext. M2) dated the 18/19th January, 1963, was issued to Sarbanand Singh. The enquiring officer (MW1) recorded the statements of witnesses and also that of Sarbanand Singh on the 29th January, 1963, (Ext. M8).

4. The management's case further is that, on conclusion of the enquiry, MW1 submitted his report (Ext. M10) on the 4th February, 1963. His finding was that the charge levelled against the workman had been made out and Laloo Mahato

was equally guilty because he had borrowed the money. On the basis of this report Sarbanand Singh was dismissed from the company's service with effect from the 23rd March, 1963.

5. The General Secretary of the Colliery Mazdoor Sangh filed a written statement on behalf of Sarbanand Singh. His case is that he is not guilty of the misconduct alleged, that the enquiry was perfunctory and there is no evidence to support the findings of the enquiring officer, that the punishment inflicted upon him is so harsh that it amounts to victimisation, that the punishment is also discriminatory and that there has been no compliance with the mandatory provisions of standing order No. 20. It was also said that the alleged misconduct had not been made out in-as-much as Laloo Mahato was not subordinate as an employee to Sarbanand Singh.

6. The reference was first disposed of by an order dated the 22nd February, 1965, passed by Shri Raj Kishore Prasad, the then Presiding Officer of this Tribunal. He held (i) that the domestic enquiry could not be challenged on any ground of irregularity or on the ground of violation of principles of natural justice; (ii) that the words used in sub-clause (13) of clause 19 of the standing orders meant that the transaction of borrowing and lending money must be between an employee and his subordinate and (iii) that it was unnecessary for him to decide the other points raised by Shri Narsingh on behalf of the workman concerned relating to victimisation, or basic error or non-compliance with standing order No. 20 but, if he had to express an opinion on these points, he would have "rejected these contentions as without substance". This last point was mentioned in paragraph 12 of the award.

7. The employers filed a Writ application in the Patna High Court, praying that the order passed by this Tribunal should be quashed. The High Court held that "the expression 'subordinate employees' in sub-clause (13) of clause 19 is used in the popular sense of 'inferior employees' referred to in sub-clause (a) of clause (1) of the standing orders". On this interpretation, it was further held that the Tribunal's decision was erroneous because it was passed on the basis that one employee must be subordinate to the other employee in order that clause 19(13) should be attracted. The Writ application was, therefore, allowed, the Tribunal's decision was set aside and the case was remanded. Their Lordships observed that the finding of the Tribunal that there was no irregularity in the domestic enquiry and there was no violation of principles of natural justice should stand and would not be open to challenge. They, however, directed the Tribunal to decide other questions in controversy between the parties because they thought that the opinion expressed in paragraph 12 of the Tribunal's award was too summary to amount to a decision as required by law.

8. As I was a party to the High Court's decision, I asked the parties whether they had any objection to my hearing the matter and deciding it. None of them raised any objection and hence I proceeded with the hearing.

9. Jawaharlal was examined before Shri Raj Kishore Prasad as MW1. As I have already indicated, he held the enquiry into the chargesheet issued against Sarbanand Singh. He was further examined as a witness on behalf of the employers when I took up this case.

10. I may now give a little more fully the allegations made by Laloo Mahato against Sarbanand Singh. In the complaint which he filed on the 17th January, 1963, he said that, on the same date at about 11-30 A.M. he was going to his house with his leave pay (Rs. 61.00) which he had drawn from the counter at that very time, that he met Sarbanand Singh, Chaprasi, who snatched away the entire amount and insulted him and that this was seen by the Manager and the Asstt. Chief Mining Engineer who were then going towards the depot. He elaborated this story when he was examined by the enquiring officer on the 29th January, 1963. He then stated that, when he met Sarbanand Singh at 11-30 A.M. on the 17th January, 1963, Sarbanand Singh demanded money from him. He was prepared to pay Rs. 20 but Sarbanand refused to accept that amount. He rather demanded Rs. 50. When he (Laloo Mahato) said that he had received only Rs. 61.50 nP. Sarbanand forcibly snatched his identity card and the sum of Rs. 61.00. He kept Rs. 50 with himself and offered to return Rs. 11 to Laloo Mahato. He refused to accept Rs. 11. Sarbanand tried to move away and then Laloo caught hold of him and demanded money back. In the meantime, the Manager and Agent reached there. He then informed them that Sarbanand had snatched his leave pay and had kept it in his pocket with the result that he was left with only Rs. 0.50 nP. He further said that he had originally borrowed Rs. 40 on interest from Sarbanand about four months back, that he had already paid the amount of Rs. 40 as interest, that he

was not prepared to pay any further interest and that he was only prepared to pay Rs. 20 at that time. Sarbanand cross-examined Laloo Mahato before the enquiring officer but was unable to elicit anything of importance.

11. Besides other witnesses, Shri B. S. Rao, Asstt. Chief Mining Engineer and Shri Chowla, Manager, Sijua Colliery, were examined by the enquiring officer. Shri Rao said that he was going along with Shri Chowla and that, when they reached near the workshop and power house, he found Sarbanand Singh having money transaction with Laloo Mahato. On enquiry on the spot, he learnt that Sarbanand had snatched from Laloo Mahato the total amount with the latter had received as leave pay. Sarbanand denied having lent money but subsequently admitted that he had lent Rs. 5/-. Shri Chowla stated that he found Sarbanand having trouble with Laloo Mahato, that he learnt from Laloo Mahato on enquiry that he had received his leave pay but Sarbanand had snatched the sum of Rs. 61/- towards payment of his loan. Sarbanand denied having lent money to Laloo Mahato but subsequently he admitted in the Manager's office that he had given Rs. 5 as loan to Laloo Mahato.

12. Shri D. Narsingh, who appeared before me on behalf of the workman concerned, attempted at first to argue that the enquiry report was biased. In support of this argument, he pointed out certain discrepancies in the evidence of the witnesses as recorded by the enquiring officer. The mere fact that there are some discrepancies in the evidence cannot lead to the inference that the enquiring officer's report is biased. Further, his findings cannot also be held to be perverse. As laid down by the Supreme Court in the case of *Hamdard Dawakhana Waki Vrs. Its workmen*, (1962-II L.L.J. 772), a finding can be characterised as perverse only if it is not supported by any evidence or is entirely opposed to the whole evidence adduced. In any case, the High Court's direction is that the finding of Shri Raj Kishore Prasad that there was no irregularity in the domestic enquiry and that there was no violation of the principles of natural justice would not be open to challenge. That being so, the argument that the enquiry report is biased cannot be allowed to be raised.

13. Shri Narsingh pointed out that the evidence given by S/Shri Rao and Chowla before the enquiring officer differs from what has been recorded by the Manager in the chargesheet. It has been said therein that the Manager and the Asstt. Chief Mining Engineer had seen Sarbanand Singh dealing in money lending business with Laloo Mahato near the workshop gate. In view of this discrepancy, Shri Narsingh has argued that the evidence given before the enquiring officer should be rejected. It seems to me, however, that what has been stated in the chargesheet is only a substance. The evidence of Laloo Mahato as well as the Asstt. Chief Mining Engineer and the Manager before the enquiry officer is consistent and the enquiring officer has, therefore, rightly held the charge to have been established against Sarbanand Singh.

14. The next point which Shri Narsingh has urged is that there is no evidence to support the finding of the enquiring officer. There is no substance in this point. I have already shown that the evidence of Laloo Mahato, corroborated as it is by that of the Manager and the Asstt. Chief Mining Engineer, forms a firm basis for the enquiring officer's finding.

15. Another argument which Shri Narsingh has advanced is that the provisions of clause 20 of the standing orders have not been observed. That clause reads:

"20. No orders of punishment by way of suspension, dismissal or fine shall be made unless the employee concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the Owner, Agent or Chief Mining Engineer of the Company is required in every case of dismissal and when circumstances appear to warrant it that officer shall institute separate independent enquiries before dealing with the charges against an employee. During the period enquiries are being made on account of alleged misconduct the employees concerned shall be suspended."

16. Shri Narsingh says that the Chief Mining Engineer has, in this case, himself passed the dismissal order and, therefore, it cannot be said that his approval to the dismissal has been obtained. It is difficult to follow this argument. It can hardly be supposed that the Chief Mining Engineer passed the order of dismissal without approving of the same. There is, therefore, no merit in this point.

17. Another point urged by learned Counsel is that this is a case in which there has been discrimination against Sarbanand Singh. In support of this argument, he has pointed out that no action was taken against Laloo Mahato though,

as a borrower, he was as guilty of misconduct as Sarbanand Singh, the lender. He has also pointed out from the evidence of Jawaharlal (MW1) before me that no action was taken against some employees who had lent money to some sweepers who were the company's employees and this witness got the debts amicably paid and settled without anything in writing. There seems to be no material to show that the transactions referred to by him were brought to the notice of the company. It was suggested in cross-examination to the witness that no action was taken against some employees though charges framed against them for lending money were proved; but he has denied those suggestions and no attempt was made to prove that were the true. I may add that the circumstances leading to the issue of chargesheet against those employees are not before me and hence it is impossible for me to come to the conclusion that, comparing the case of Sarbanand Singh with that against those employees, there has been discrimination.

18. The facts with regard to Laloo Mahato are, however, clear from the record. Shri Narsingh has in this connection relied upon the decision of the Patna High Court in *South Kujama Colliery Vs. Central Government Industrial Tribunal, Dhanbad* and another, reported in 1967—(II) L.L.J. 193. In that case, Ram Dayal Singh, a pump attendant, and two others were found sleeping on duty. All three were found guilty at the domestic enquiry but Ram Dayal Singh was dismissed from service whereas the other two employees were let off with a warning. It was found that, sometime before the incident in question, Ram Dayal Singh had made complaints against the management to the Inspector of Mines. The Tribunal held that there was discrimination against Ram Dayal Singh in the matter of punishment because of his act in making those complaints. Their Lordships held that, in the circumstances of that case, the tribunal's conclusion relating to discrimination was correct and, therefore, it had rightly set aside Ram Dayal's dismissal.

19. The facts of the above case are clearly distinguishable from those of the present case. There is no material in this case to show that the authorities of the company had any reason to be annoyed with Sarbanand Singh before the incident in question. The reason for them to have made a difference between the cases of Sarbanand Singh and Laloo Mahato is not far to seek. The facts and circumstances of this case clearly show that Laloo Mahato was the victim whereas Sarbanand Singh was the aggressor. In this connection, reference may be made to a decision of the Supreme Court in *Bharat Sugar Mills. Vs. Its workmen—1961* (II) L.L.J. 644. In that case, the Sugar Mills Co., asked for approval of the Tribunal to the dismissal of 21 workmen for misconduct in connection with 'go-slow'. It granted approval in respect of one workman and refused to grant approval in respect of 20. It appears that 13 other workmen were also alleged to have resorted to 'go-slow'. Das Gupta J., who delivered the judgment of the Court, observed with reference to the argument that 20 of the workmen had been sought to be victimised and discriminated against because several of them were active members of the union, that several of the 13 workmen who were taken back in service were also active members of the union. On this basis, his Lordship said:—

"There is no ground for saying therefore that the management discriminated against these twenty-one workmen because of the fact that they were active members of the union. It may very well be that they have been taken back as their active participation in the go-slow was not established. Without knowing fully the circumstances under which those other thirteen were taken back to work, it is not proper to hold that there has been any discrimination against these twenty-one".

20. I may also make reference to the decision of Kerala High Court in *Tata Oil Mil's Co. Ltd., Vs. Dominic Gomez, 1966* (12) F.L.R. 138. Their Lordships have said:

"Unless the Tribunal comes to the conclusion that the action of the management in dismissing the respondent was *malafide* as it was based on irrational and unreasonable discrimination, the fact that one employee was proceeded against while another was not, is no justification for disturbing the finding of the domestic Tribunal".

It is clear in the present case that there was no discrimination against Sarbanand Singh. There was a rational ground for the company not to have proceeded against Laloo Mahato. The action of the company in proceeding against Sarbanand Singh cannot possibly be said to be *malafide*.

21. The last point which Mr. Narsingh has urged is that the punishment of dismissal inflicted upon Sarbanand Singh is so excessive that it must itself lead

to the inference that the company has been guilty of victimisation and unfair labour practice. The law on this point is well settled. Ordinarily, the Tribunal cannot interfere with the punishment inflicted by the management because punishment is in the employer's sole discretion. Reference may be made in this connection to a decision of the Supreme Court in *Caltex (India) Ltd., Vrs. Eugene Fernandes and another—1957 (I) L.L.J. 1* and the decision of the Madras High Court in *Coimbatore Cotton Mills Vs. Central Government Industrial Tribunal and another—1959 (II) L.L.J. 512*.

22. In *Bengal Bhatdee Coal Company Vs. Ram Prabesh Singh and others—1963 (I) L.L.J. 291*, their Lordships of the Supreme Court have laid down that though, "normally the imposition of a penalty may be within the discretion of the management, there may be cases where the punishment of dismissal for the misconduct proved may be so unconscionable or so grossly out of proportion to the nature of the offence that the Tribunal may be able to draw an inference of victimisation merely from the punishment inflicted".

23. Similar is the principle laid down in *Hind Construction and Engineering Company, Ltd., Vs. their workmen—1965 (I) L.L.J. 462*. Their Lordships of the Supreme Court have said in that case that the Industrial Tribunal should not interfere with the kind or severity of punishment except in very extraordinary circumstances but that interference would be justified where the punishment is not only too severe but out of proportion to the fault, such as no reasonable employer would have imposed.

24. The question which has now to be considered is whether the punishment imposed upon Sarbanand Singh is so shocking that an inference of victimisation can be made.

25. Shri Narsingh has argued that, in deciding this question, I have to confine myself only to the case of money lending against Sarbanand. In other words, he says that the circumstances in which the offence of money lending on the part of Sarbanand was brought to light should not be considered. I am not prepared to agree with this argument. Although Sarbanand's guilt is that of misconduct for lending money to a subordinate employee, there is no reason why the company should not have taken the surrounding circumstances into consideration for inflicting the proper punishment. In view of all those circumstances, it is not possible even to say that the punishment is excessive—much less that it is shocking and such as no other employer could have imposed. It has to be remembered that Sarbanand had not only lent money but was extorting excessive amounts in the name of interest. He was even applying force for the purpose.

26. Besides, the misconduct of lending money simpliciter may also have been viewed by the company with great seriousness. In this connection, I may refer to an observations of Narasimham, C.J., in the order of remand in this case. His Lordship has stated that one is to "examine the main purpose underlying the Standing Orders, the mischief that was intended to be remedied and the object that was intended to be promoted. A careful scrutiny of the various clauses of the Standing Orders shows that the main object of these Standing Orders was to clearly define the terms and conditions of service and also with a view to secure efficient and harmonious discharge of duties from the employees of the colliery Inside a colliery, even amongst inferior employees of equal status, unless there is close co-ordination and harmonious working, the colliery cannot function efficiently. Hence, If inferior employees, though of equal status, are allowed to engage freely in money lending business amongst themselves there will be either a sense of mutual obligation or mutual understanding, of quarrel, which will ultimately affect the discipline and adversely impair the efficient functioning of the colliery".

27. The company could well be of the same opinion. That being so, I do not think that the punishment of dismissal against Sarbanand Singh can be held to be severe.

28. There has been a proper domestic enquiry in this case and the enquiring officer has come to the conclusion that the charge framed against Sarbanand Singh has been established. No ground for interference either with the finding of guilty against him or the punishment inflicted upon him has been made out. In the result, therefore, I hold that the dismissal of Shri Sarbanand Singh Watchman with effect from the 23rd March, 1963 is legal and justified. It follows that he is not entitled to any relief.

29, Let this award be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Sd./- KAMLA SAHAI,
Presiding Officer.

[No. 2/35/63-LR. II.]

New Delhi, the 18th December 1967

S.O. 4642.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Hrishikesh Khawas, Lamp Room Incharge, Murulidih Colliery, Post Office Mohuda, Dhanbad which was received by the Central Government on the 14th December, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT AT DHANBAD**

In the matter of complaint under section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 12 of 1965

(ARISING OUT OF REF. No. 84 of 1965)

PARTIES:

Shri Hrishikesh Khawas, Lamp Room Incharge, Murulidih Colliery, P.O. Mohuda, Dhanbad
Complainant.

Vs.

The employers in relation to Murulidih Colliery, P.O. Mohuda, Dist. Dhanbad.
Opposite Party.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Complainant.—Shri S. V. Acharior, General Secretary Hindustan Khan Mazdoor Sangh, H.O. Murulidih, P.O. Mohuda (Dhanbad).

For the Opposite Party.—Shri K. V. Ayyar, Deputy Labour Advisor.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated, the 20th November, 1967

AWARD

Both parties filed a compromise petition before this Tribunal on 10th November 1967 but the petition was not signed by the complainant. I, therefore, fixed this case on 16th November 1967 for his appearance before me. The complainant, Shri Hrishikesh Khawas, appeared before me on that date. I questioned him in the presence of Mr. Acharior after explaining the terms of the compromise to him. I particularly told him that his service was not being restored but some amounts of money were going to be paid to him under the compromise. He agreed to these terms and, in token of his agreement, he put his signatures on two copies of the compromise petition.

The employers representative was absent on 10th November 1967 I, therefore, adjourned the case to this day at 11-00 A.M. Both parties' representatives, Mr. S. V. Acharior and Mr. K. V. Ayyar are present to-day. They say that the case may be disposed of in terms of the compromise. I accept their prayer. Let the complaint case be disposed of in terms of the compromise petition which was form part of this Award. Let this be submitted to the Government of India.

(Sd.) KAMLA SAHAI,

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a Complaint under section 33A of the Industrial Disputes Act, 1947 being Complaint No. 12 of 1965/1146

PARTIES:

Hrishikesh Khawas—*Complainant.*

Vs.

Employers in relation to Murulidih Colliery—*Opp. Party.*

The parties beg most respectfully submit as follows:—

(1) That the issues leading up to the present Application were discussed between the management and Hindustan Khan Mazdoor Sangh (hereinafter referred to as 'the Union') which acted as the Spokesman and representative of the Complainant, and the following amicable settlement was reached:—

(a) An *ex-gratia* payment of Rs. 700/- (Rupees Seven Hundred) would be paid by the management to the complainant in full and final satisfaction of all his claims arising from his dismissal from the service by the management's letter dt. 17th November, 1964.

(b) The said payment, together with any legal dues such Salary, Wages in lieu of leave, Bonus etc. due including full wages for the period 27-10-64 to 17-11-64 in terms of Conciliation Officer (C), I, Dhanbad, letter No. D.144/1(305)/64, dated 5-12-64 will be made at the Central Office of the Colliery, in the presence of the Union's representative, within 15 days of filing of this Compromise Petition.

(c) The management also will pay to the Complainant an *ex-gratia* amount, equivalent to wages in respect of leave for year 1964 as though he had earned it. This payment will also be made along with payments mentioned at (b) above.

(d) The management will give the fullest assistance to applicant to enable him withdraw all his accumulations in the Coal Mines Provident Fund.

(e) The Complaint under Section 33A hereby stands withdrawn.

(2) Parties hereby pray that the Hon'ble Tribunal be pleased to pass an Award in terms of the foregoing amicable settlement.

For the Complainant

Sd/-

(S. V. ACHARIOR)
General Secretary,
Hindustan Khan Mazdoor Sangh,
Dt. 10-11-67.
(Authorised Representative).

For the Opposite Party

Sd/-

(K. V. AYYAR),
Dy. Labour Advisor,
Murulidih Colliery,
Dt. 10-11-67.

(Authorised Representative).

(Sd.) HRISHIKESH KHAWAS.

[No. 2/2/28/61-LRII-I.]

S.O. 4643—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ganesh Singh, Line Mazdoor, Madhuband Colliery C/o Hindustan Khan Mazdoor Sangh, Head Office Murulidih, Post Office Mohuda, District Dhanbad, which was received by the Central Government on the 14th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT AT DHANBAD.

In the matter of a Complaint under section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 2 OF 1965

(ARISING OUT OF REFERENCE No. 25 OF 1962)

PARTIES:

Shri Ganesh Singh, Line Mazdoor, Madhuband Colliery, C/o Hindustan Khan Mazdoor Sangh, H.O. Murulidih, P.O. Mohuda Dist. Dhanbad
—*Complainant.*

Vs.

Management of Madhuband Colliery, P.O. Nadkhurki, Dhanbad.

Opposite Party.

PRESENT:

Shri Kamla Sahai—Presiding Officer.

APPEARANCES:

For the Complainant.—Shri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh.

For the Opposite Party.—Shri S. S. Kapoor, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 20th November, 1967.

AWARD

Mr. S. S. Kapoor, Advocate is present on behalf of the opposite party. Mr. S. V. Acharior is present on behalf of the Complainant. Mr. Acharior says, however, that he has thrice informed the complainant that this complaint is fixed for hearing today at 11-00 A.M. but he has not turned up and it seems that he is no longer interested in this case. When Mr. Acharior has personally informed the complainant and he has not come, the conclusion is clear that he does not wish to press the complaint. The complaint is accordingly dismissed as not pressed. Let this be submitted to the Government.

(Sd.) KAMLA SAHAI,

Presiding Officer.

[No. 2/228/61-LRII-II.]

S.O. 4644.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Sheo Nath Singh, Line Mistry Madhuband Colliery, C/o Hindustan Khan Mazdoor Sangh, Head Office Murulidih, Post Office Mohuda, District Dhanbad which was received by the Central Government on the 14th December, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT AT DHANBAD**

In the matter of a complaint under section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 1 of 1965

(ARISING OUT OF REFERENCE No. 25 of 1962)

PARTIES:

Shri Sheo Nath Singh, Line Mistry Madhuband Colliery, C/o Hindustan Khan Mazdoor Sangh, H.O. Murulidih, P.O. Mohuda, Dhanbad

—Complainant.

Vs.

Management of Madhuband Colliery, P.O. Nadkhurki, Dhanbad.

—Opposite Party.

PRESENT:

Shri Kamla Sahai Presiding Officer.

APPEARANCES:

For the Complainant: Shri S. V. Acharior, Gl. Secretary, Hindustan Khan Mazdoor Sangh.

For the Opposite Party: Shri S. S. Kapoor, Advocate.

STATE: Bihar.

INDUSTRY: Coal

Dhanbad, dated the 20th November, 1967

AWARD

Mr. S. S. Kapoor, Advocate, is present on behalf of the opposite party. Mr. S. V. Acharior is present on behalf of the complainant. Mr. Acharior says however, that he has thrice informed the complainant that this complaint is fixed for hearing today at 11-00 A.M. but they have not turned up and it seems that he is no

longer interested in this case. When Mr. Acharior has personally informed the complainant and he has not come, the conclusion is clear that he does not wish to press the complaint. The complaint is accordingly dismissed as not pressed. Let this be submitted to the Government.

(Sd.) KAMLA SAHAI,

Presiding Officer.

[No. 2/228/61-LRII-III.]

New Delhi, the 21st December 1967

S.O. 4645.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri G. C. Agarwala, Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur, Arbitrator in the dispute between the Birsinghpur Colliery, Johilla Coalfields Birsinghpur, Shahdol District, Madhya Pradesh and their workmen represented by Johilla Colliery Mazdoor Sangh, Birsinghpur-Pali which was received by the Central Government on the 18th December, 1967.

BEFORE THE ARBITRATOR, SRI G. C. AGARWALA, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Dated December 4, 1967.

REF. ARBITRATION CASE No. CGIT/LC(ARB.)(1)/67.
(UNDER SECTION 10-A.I.D. Act.).

PARTIES:

Employers in relation to Birsinghpur Colliery, Johilla Coalfields, Birsinghpur, District Shahdol, (M.P.).

Vs.

Their workmen represented by the Johilla Colliery Mazdoor Sangh, Birsinghpur-Pali, Shahdol District (Madhya Pradesh).

APPEARANCES:

For Employers—Sardar Harbans Singh, Office Superintendent of the Employers.

For Workmen—Sri G. C. Jaiswal, General Secretary, Johilla Colliery Mazdoor Sangh, Birsinghpur-Pali.

DISTRICT: Shahdol (M.P.).

INDUSTRY: Coal Mine.

AWARD

The parties to the dispute namely, Management of Johilla Coalfields, Birsinghpur and the workmen represented by Johilla Colliery Mazdoor Sangh entered into an agreement under Sec. 10-A.I.D. Act whereunder they referred the following dispute to the arbitration of this Tribunal, the said agreement having been published in the Gazette of India dated 17th August, 1967:

Matter of Dispute.

“Whether the management of Birsinghpur Colliery of Johilla Coalfields, Birsinghpur P. O. Shahdol District (M.P.) is justified in dismissing Shri Mohanlal Sheohare, Oil Majdoor from service with effect from 6th April, 1966? If not, what relief the workmen is entitled to.”

The parties were required to file their statements of claim. The employers sent the statement of claim but the Union failed to do so and were required to file a statement-cum-rejoinder by this date which was fixed for preliminary hearing. Both parties, however, compromised the dispute which was varified before me. The workman concerned, Sri Mohanlal Sheohare, also appeared and admitted the terms of the compromise which are reproduced in the annexure to this award. The dispute has been settled and the workman has agreed to accept a sum of Rs. 1500/- in full and final settlement of his claim. An arbitration award is, therefore, recorded in terms of the compromise settlement.

(Sd.) G. C. AGARWALA,

Presiding Officer.

4-12-1967.

ANNEXURE

BEFORE SHRI G. C. AGARWALA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AND ARBITRATOR (APPOINTED VIDE GOVERNMENT OF INDIA, MINISTRY OF LABOUR AND EMPLOYMENT ORDER NO. 5/35/67-LRH DATED 26TH AUGUST, 1967).

IN THE MATTER OF REFERENCE No. CGIT/LC(Arbit) (1)/67.

BETWEEN

Messrs Johilla Coalfields (P) Ltd., Birsinghpur Colliery, P.O. Birsinghpur Pali, District Shahdol, (M. P.)

AND

Shri Mohanlal Sheohare, Oil Mazdoor, Birsinghpur Colliery, Birsinghpur Pali, District Shahdol, (M.P.).

Prayer for passing an Award.

May it please the Hon'ble Arbitrator.

That the following matter was referred to you for arbitration—

- (1) Whether the management of Birsinghpur Colliery of Johilla Coalfields (P) Ltd., Birsinghpur Pali, District Shahdol, M.P. is justified in dismissing Shri Mohanlal Sheohare, Oil Mazdoor from service with effect from 6th April, 1966? If not, what relief the workman is entitled to.
- (2) That both the parties were asked to file their respective statements in above regard by the Hon'ble Arbitrator by or before 23rd October, 1967.
- (3) That both the management and workman concerned in the dispute have now agreed to settle the dispute mutually on the terms mentioned below:—
 - (i) That the workman accepts his dismissal from service with effect from 6th April, 1968.
 - (ii) That the management will pay a lump sum of Rs 1500/- (Rs. one thousand five hundred only) to Shri Mohanlal Sheohare in full and final payment of all his claims and dues against the management.
 - (iii) That the above payment will be made to the workman by the management within one month from the date of the settlement.
 - (iv) That the parties pray the Hon'ble Arbitrator to pass an Award accordingly.

Representing Workman.

(Sd.) MOHANLAL SHEOHARE,
Workman concerned in the dispute.

2. (Sd.) G. C. JAISWAL
General Secretary, Johilla Colliery Mazdoor Sangh
Birsinghpur Pali.

Representing Management.

(Sd.) K. C. JAIN,
General Manager,
Johilla Coalfields (P) Ltd.,
Birsinghpur Colliery.

Verified before me.

(Sd.) G. C. AGARWALA,
4-12-1967.

Part of Award.

BIRSINGHPUR PALI,
Dated the 3rd December, 1967.

(Sd.) G. C. AGGARWALA,
Presiding Officer.
4-12-1967.

[No. 5/35/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 16th December 1967

S.O. 4646.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Punjab, Chandigarh, in the industrial dispute between the employers in relation to the Quarries of Messrs Bhupendra Cement Works, Surajpur and their workmen, which was received by the Central Government on the 13th December, 1967.

BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNJAB, CHANDIGARH

REFERENCE No. 1/C of 1966

In the matter of Industrial Dispute

BETWEEN

The workmen and the management of M/s. Bhupindra Cement Works, Surajpur.

PRESENT:

Sarvshri Jagjit Singh Chuga and G. C. Joshi—for the workmen.

Sarvshri I. M. Nanawati and G. L. Govil—for the management.

AWARD

The workmen and the management of M/s. Bhupendra Cement Works, Surajpur, served a charter of demands on their employer. As the parties could not resolve the dispute, the matter went into conciliation. Efforts at conciliation also failed, and therefore, the Central Government in exercise of the powers conferred by section 7-A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, referred the following items to this Tribunal by their order dated 2nd March 1966, for adjudication:—

1. Whether the following demands of the workmen of the quarries of Messrs Bhupendra Cement Works, Surajpur are justified:—

- (i) Dust allowance be paid to drillers, crushers, ropeway and scraphauler operators, shovel and dumper operators;
- (ii) Sick leave to daily rated workmen be allowed at par with the monthly rated workmen;
- (iii) Soap and oil be supplied to the workmen of Diesel Section, Crusher Section, Quarry Section, Workshop and Ropeway Sections;
- (iv) Present timings of arrivals and departures of buses, plying between Malla and Surajpur be changed;
- (v) Grade and scale of pay of Chowkidars should be the same as those of watchmen;
- (vi) The present designations of the following workmen be suitably changed.

S. No.	Name	Present designation
1	Shri Hari Chand	Mazdoor
2	" Mukanda	Helper
3	" Ujagar Singh	Greaser
4	" Norata Ram	M/c Attendant
5	" Tulsi Ram	Do.
6	" Rama Nand	Helper
7	" Kiru Ram	Do.
8	" Bali Ram	Mazdoor
9	" Sita Ram	Do.
10	" Balk Ram	Do.
11	" Basant Singh	Do.
12	" Phagu Ram	Helper.
13	" Mani Ram	Mazdoor

S. No.	Name	Present designation
1	Shri Hari Chand	Mazdoor
2	" Mukanda	Helper
3	" Ujagar Singh	Greaser
4	" Norata Ram	M/c Attendant
5	" Tulsi Ram	Do.
6	" Rama Nand	Helper
7	" Kiru Ram	Do.
8	" Bali Ram	Mazdoor
9	" Sita Ram	Do.
10	" Balk Ram	Do.
11	" Basant Singh	Do.
12	" Phagu Ram	Helper.
13	" Mani Ram	Mazdoor

S. No.	Name	Present designation
14	Shri Dharam Singh	Fitter.
15	Ram Singh	Asstt. Electrician
16	Deep Ram	Do.
17	Lal Singh	Asstt. Welder.
18	Mansu	Do.
19	Punu	Hammerman
20	Parma Nand	Asstt. Fitter.
21	Sharda	Do.
22	Tulsi	Mazdoor.
23	Dal Bahadur	Do.
24	Murtoo	Do.
25	Bachha	Barbender
26	Ganga Ram	M/c. Attendant
27	Kirpa	Mazdoor
28	Khem Chand	Asstt. Crusher Attendant
29	Bandu Ram	Do.
30	Ronqi Ram	Do.
31	Dhani Ram	Do.
32	Baldev Singh	Do.
33	Balak Ram	Asstt. Fitter
34	Norata Singh	Mazdoor
35	Balu Ram	Do.
36	Tej Ram	Do.
37	Surtia	Helper.
38	Tawanoo Ram	M/c. Attendant
39	Balki Ram	Do.
40	Tula Ram	Do.
41	Barhma Nand	Do.
42	Sohan Lal	Tally Checker
43	Bahadur Singh	Do.
44	Bhagwati Lal	Do.
45	S. C. Banerjee	'C' grade clerk
46	Khiali Ram	Mazdoor.
47	Parma Nand	Peon.
48	Ronqi Ram	Dresser
49	Gurbachan Singh	Do.
50	Harnam Singh	Do.
51	Piru Ram	Sweeper
52	Ragho	Do.
53	Sita Ram	Issuer

II. If so, to what relief are the workmen entitled?

Usual notices were issued to the parties and they appeared before the Tribunal through their representatives and filed statements of their respective cases.

On an application made on behalf of the Bhupendra Cement Workers Union, this union was also impleaded as a party.

In their statements of claim the workers have alleged, as regards demand No. 1, that the place where the drillers, crushers, ropeway and scraphauler operators, shovel and dumper operators work is always contaminated with dust and dust fumes which cause ailments to the workers and consequently they have to bear extra expenses in connection with the diseases and recovery to normal health. To meet the additional financial burden the workmen demand dust allowance at at least 10% of their total emoluments. On demand No. 2, it has been alleged that there is discrimination between the monthly rated and daily rated workmen inasmuch as the former get 21 days sick leave per year while the latter get only 15 days such leave. Similarly with regard to Item No. (iii) it has been stated that in the sections mentioned in this item, the respondent Company has been giving soap and oil to some workers but has denied the same concession to others working in the same sections. The names of the workers are given in annexure 'A' appended to the statement of claim. It has been prayed that all the workmen be treated at par in this matter and the discrimination practiced by the management be removed.

The timings of bus run between Malla and Surajpur are as follows:—

Leave Surajpur	. . . . .	11 A.M.
Reach Malla	. . . . .	12 A.M.
Dep. Malla	. . . . .	4.30 P.M.
Reach Surajpur	. . . . .	5.30 P.M.

Special trips on Wednesday has the following timings :—

Leave Surajpur	. . . . .	7.30 A.M.
Reach Malla	. . . . .	8.30 A.M.
Leave Malla	. . . . .	9.00 A.M.
Reach Surajpur	. . . . .	10.00 A.M.
Leave Surajpur	. . . . .	2.00 P.M.
Reach Malla	. . . . .	3.00 P.M.
Leave Malla	. . . . .	4.30 P.M.
Reach Surajpur	. . . . .	5.30 P.M.

There is, however, no general trip on Wednesday.

For the convenience of the workers who leave Malla earlier in the evening, it has been demanded that the bus which remains at Surajpur for the night at present should remain for the night at Malla and there should be two trips from Malla and Surajpur as under:—

Leave Malla	. . . . .	7.30 A.M.
Reach Surajpur	. . . . .	8.30 P.M.
Leave Surajpur	. . . . .	1.00 P.M.
Reach Malla	. . . . .	2.00 P.M.
Leave Malla	. . . . .	4.30 P.M.
Reach Surajpur	. . . . .	5.30 P.M.
Leave Surajpur	. . . . .	6.00 P.M.
Reach Malla	. . . . .	7.00 P.M.

By the proposed change in the timings the workers expect to be benefited and this will also render the special trips on Wednesday unnecessary.

On item No. 4 it has been alleged that the Chowkidars and watchmen perform the same duties under similar conditions and their posts are also transferable and that, therefore, there is no justification for paying different grades and scales of pay to the Chowkidars and watchmen

Lastly, it has been stated that the present designations of the workmen are wrong in so far as the same are not on rational basis in accordance with the work done by them. Change in designations has been demanded as in annexure 'C' appended to the statement of claim.

The management has in their written statement opposed all the demands of the workmen. It has been pleaded that there is no justification for payment of dust allowance as dust is an inherent incidence of work in lime stone quarry and that when workers accept employment in such quarries, they are expected to put up with it without any extra remuneration. Besides this, in fixing the wage structure this element had duly been taken into account. It is further stated that if this demand is accepted it will cause a heavy burden on the Company and will also completely disturb the wage differential between the various categories of workmen. According to the management wherever possible, dust suppression equipment/devices are used and certain categories of workers are supplied respirators, cloth pieces, etc., to prevent inhalation of dust. It has further been averred that the available literature on the cement industry shows that there are no harmful effects of lime stone dust on the health of the workers.

With regard to the demand for sick leave it has been pleaded that there is no discrimination in the matter of sick leave as alleged by the workmen and that the distinction in this matter between the daily rated and monthly rated workers is historical and is almost universal in industry. The monthly rated staff comprises the clerical, the technical and the supervisory staff, while the daily rated workers are operatives.

The demand for the supply of soap and oil to the workers mentioned in item No. 3 has been opposed on the ground that some workmen are getting this concession for historical reasons, that on merits there is absolutely no justification

for it. For this reason it is claimed that there is no discrimination in the matter of supply of soap and oil.

As regards item No. 4 it has been stated that the point involved is not an industrial dispute besides the fact that the timings of arrivals and departure of bus between Malla and Surajpur are regulated in pursuance to the settlement dated 23rd January 1959 arrived at between the parties before the Conciliation Officer, and that therefore this point cannot be re-agitated as the settlement has not been terminated by either party and is still in force. The demands put in items 5 and 6 have also been resisted.

On the pleadings of the parties the following issues were framed:—

1. Whether the drillers, crushers, ropeway and scraphauler operators, shovel and dumper operators are entitled to any dust allowance? If so, to what amount?
2. Should the management allow sick leave to daily rated workmen on the same basis on which it is allowed to monthly rated workmen?
3. What is the effect of Punjab Act No. XIV of 1965 on the demand covered by Item No 1(ii) of the reference?
4. Are the workmen of Diesel, Crusher, Quarry, Workshop and Ropeway Sections entitled to Soap and Oil? If so, to what extent?
5. Are the workmen entitled to any change being made in the timings of arrivals and departures of buses plying between Malla and Surajpur?
6. Are the Chaukidars entitled to the same grades and scales as are applicable to the watchmen?
7. Should the present grades of the workmen mentioned in Item No 1(vi) of the Reference entitled to the change of their designations?
8. Was any settlement arrived at between the parties on 23rd January 1959 as per copy Annexure A to the written statement of the Management? If so, what is its effect on the present case?

I have heard the representatives of the parties and gone through the evidence brought on the record. After giving my careful thought to the arguments advanced on behalf of the parties and the evidence I proceed to give my findings on the various issues.

Issue No. 1

Dust allowance is demanded on the ground that the places where the drillers, crushers, ropeway and scraphauler operators, shovel and dumper operators work is always contaminated with dust and dust fumes which cause ailments to the workers and consequently it entails extra expenses for the recouping of health and for efficient working. This demand is resisted by the management on the ground that dust is an inherent incidence of work in a lime stone quarry and that when workers accept employment at such a place they are expected to put up with it without any extra remuneration. It has been added that wherever possible dust suppression equipment/devices are used and that the Company has supplied to certain categories of workers respirators, cloth pieces etc., the use of which prevents the inhalation of dust by the workers. It has further been asserted that available literature in the Cement Industry shows that there are no harmful effects arising from the lime stone dust.

It may be stated at the very outset that there is no denying the fact that there is a lot of dust where the drillers, crushers and the other concerned workmen work. We have, however, to see whether this dust is harmful and deleterious to health and causes occupational diseases. We will first examine the oral evidence brought on the record on this point. So far as the workers are concerned, we have the solitary statement of Shri Jagjit Singh Chuga, Electrician, General Secretary, Malla Quarry Workers Union who was examined as AW1. While making a general statement that the cement dust affects the health of the workers, he has quoted examples where the workmen suffered from tuberculosis and died of this disease. According to him Maroo who was a bucket loader, Bijli Parshad, Mazdoor, and Kalu Ram of the quarry later on transferred to the watch and ward staff, suffered from tuberculosis and they died of the disease. He knew only of these three cases. On this point we have also the statement of the respondent's witness No. 4, Dr. B. K. Roy, Medical Officer, Malla Quarry. He has been Medical Officer at the quarries since 1954 and in the service of the A.C.C. since 1941. According to his experience lime stone dust does not cause any occupational disease like

T.B., silicosis and asbestosis. His statement shows that Maroo bucket loader of the ropeway department suffered from epilepsy and not from T.B. He made this statement on the basis of the medical record which he had brought with him. Bijli Parshad suffered from T.B. and died after retirement. Kalu Ram watchman also suffered from T.B. and he was sent to Surajpur hospital from where he was sent to Dharampur Sanatorium where he died while still in service. Another employee Kandl mason also suffered from T.B.—Meningitis but was cured and is still working with the respondent. This disease is not of the lungs but is of the brain. Except these four cases there have been no other T.B. cases at the quarry. The witness deposed that none of these cases was due to lime stone dust because a few such cases could occur in normal conditions. Then we have the statement of another witness of the respondent, Shri S. N. Lalvi (Doctor) Medical Officer, Bhupindra Cement Works, Surajpur, RW2. This witness is M.B.B.S. from Bombay University and has taken special training in industrial hygiene at the All India Institute of Hygienic at Calcutta. He has 29 years experience as a Medical Officer in the cement industry and joined the A.C.C. in 1937. He has been Medical Officer of the Bhupindra Cement Works since 1961. Therefore, he claims some authority to speak on the subject. According to him sometimes cases of Malla quarry are referred to him and to his experience in the cement industry the lime stone dust does not cause any occupational disease. He claims not to have come across a single case where cement or lime stone dust might have caused silicosis or asbestosis. Silicosis is caused by free-silica in dust but free-silica is not present in lime stone dust. Asbestosis can occur if there are asbestosis fibres which are not present in lime stone. Similarly it is in the statement of Shri S. S. Pandey, Quarry Manager, Malla Quarry RW1, that there are no fumes in the working of drillers, crushers and ropeway departments, scraphauler operators, shovel and dumper operators. He has added that protective devices are supplied to the workers.

This oral evidence is not sufficient to lead to a definite conclusion as to the effects of the cement dust on the health of the workers. Moreover this evidence cannot be said to be altogether independent, but we have also documentary expert evidence on the point.

Ex. RW2/1, is a reprint from the article by B. S. R. Murthy, M.B.B.S., Ex-Medical Officer, the Associated Cement Companies Ltd., Kistna Cement Works, Tadapalli (Guntur District) which appeared in the April, 1952 issue of the Anticancer. It deals with the subject of silicosis, anthracosis and predisposition to palmonary T.B. in cement industry. In this article the author has given quotations from text books and journals to show that so far as the cement industry is concerned there are no occupational diseases, like, silicosis or palmonary T.B. among the workers. The quotations on which he has based his conclusions are from 'the text book practice of medicine, page 1191', and 'Beaumont—Medicine.... essentials for practitioners and students, page 167', 'Cement and Lime Manufacturer November, 1948, page 126', 'the report on an enquiry into conditions of labour in the cement industry in India by S. R. Deshpandey, member Labour Investigation Committee, Government of India', 'a report by the Federal service for public health in respect of large cement factory (1927-28)'. In conclusion it has been stated that lime stone and cement dust does not contain free silica which is dangerous but contains silicates which are not deleterious. Ex. RW2/2, is an extract from the Roentgen Re-survey of cement workers by C. A. Sander, M.D., Milwaukee of the United States. This article suggests that the fibrogenity of any lime stone is dependent solely on its quartz content and that calcium carbonate per-se is an innocuous material and that pure lime stone with low silica content should cause no reaction. The author had a similar experience that a lime stone in which the quartz content varied from 3% to 5% in observing with periodic chest films many hundreds of workers exposed to heavy concentrations of lime stone dust for the past 20 years not one case of silicosis had been found which could be attributed to this dust. According to him many old silicotic granite cutters were rehabilitated by being shifted to lime stone cutting and with good results. Ex. RW2/3 is an extract from the 'Dust fumes and Mist in Industry' published by National Safety Council, Chicago, (U.S.A.). The gist of the article is that lime stone, marble, lime gypsum and portland cement dusts apparently have no serious effect even after many exposures. Similarly, Ex. RW2/4, an extract from 'Cement and Lime Manufacture, Volume XIII, No. 6, June 1940 issue' Effect of Cement, Dust on Health, concludes that prolonged inhalation of cement dust has no unfavourable influence upon susceptibility to tuberculosis infection or upon its subsequent evolution.

This evidence makes it clear that unless there is free-silica in lime stone it cannot injuriously affect the health of the persons concerned. The representative

of the workmen has drawn the attention of the Tribunal to RW3/1, which contains the results of the lime stone samples sent by the respondent Company to the B. & R. Research Laboratories Chandigarh. It shows that the lime stone sample contained silica insoluble and residue to the extent of 0.2% and it is argued that this would cause occupational disease to the concerned workmen. As we have just now seen in Ex. RW2/2, the lime stone with quartz content varying from 3% to 5%, does not cause any occupational disease. 0.2% is not silica insoluble alone but it contains residue as well. The quantity of silica insoluble is too small to be of any serious consequence.

The above discussion leads me to the conclusion that the cement dust does not cause any occupational disease to the workmen and that their health is not adversely affected. It might cause them some discomfort, but the evidence brought on the record does not prove that it has any deleterious effects on the health of the workers. The three or four cases of T.B. occurring among the workmen would not necessarily show that the disease was caused by the cement dust as such cases can occur in normal conditions also. Therefore, justification for the demand for dust allowance is not made out. I accordingly hold that the workmen are not entitled to this allowance. This issue is decided against them.

Issue No. 2

It is common ground between the parties that monthly rated workmen get 21 days sick leave while the daily rated workmen get only 15 days such leave. In my award dated 20th September 1966 in a reference No. 11 of 1966 relating to the dispute between the workmen and the management of the Bhupindra Cement Works, Surajpur, I had held that the daily rated workmen were also entitled to 21 days sick leave as was allowed to the monthly rated workers. On a writ petition, however, this finding was set aside by the High Court and it was held that the daily rated workmen were not entitled to sick leave more than what they were already getting. As the point has been decided by the High Court, no further discussion is required. It has, however, been urged on behalf of the workmen that as a Letters patent Appeal against the judgement of the single Judge is pending, the decision in the writ petition should not be taken to be final. It is true that the judgement in the writ petition is subject to decision in the Letters patent Appeal, but so long as the decision stands it has to be followed. If in the Letters patent Appeal a different decision is given, the party adversely affected may have recourse to the remedy that may be available to it. Therefore, in view of the judgment in the writ petition I hold that the daily rated workmen are not entitled to 21 days sick leave on the same basis on which it is allowed to the monthly rated workmen. This issue is found against the workmen.

Issue No. 3

In view of the finding on issue No. 2, this issue does not arise and no finding is, therefore, called for.

Issue No. 4

It is common ground between the parties that while some of the workmen of the crusher, quarry, workshop and rope way sections are getting soap and oil and some of the workmen of the diesel section are getting soap, others are not getting the advantage of this concession. The workmen have based their demand on the ground of discrimination only and not on the ground of justification. The representative of the management has urged that the workmen are not entitled to this concession on the ground of discrimination as some of the workmen of these sections are given these articles as a matter of sheer compulsion under the recommendation of the Wage Board Report which had been accepted by the parties. In this connection attention of the Tribunal has been drawn to paragraph 13.29.1 at page 78 of the report. It runs like this.

"No employee should be adversely affected by these recommendations in respect of total emoluments payable to him, for a full month's working, in the month immediately preceding that in which our recommendations take effect. By total emoluments, we mean basic wage/salary, dearness allowance, house rent allowance or cash equivalent of free housing, if any, free/concessional supply of grain or fuel, and any other cash allowance or cash payment. As the requirements of food and fuel have been fully covered in arriving at the need-based wage, such supplies of foodgrains and fuel can be withdrawn. However, free or concessional supply of gur or oil or uniforms being made

to certain employees as well as dust or neat or other similar job allowances being paid to certain employees should continue, and cannot be withdrawn by the employers without the concurrence of the workers. All other allowances would stand substituted by the components of the new total wage payable to the various categories of employees covered by our recommendations”.

It has been argued that under this provision of the report the concession of oil and soap allowed to some of the workmen cannot be withdrawn. It may be noted that the report does not speak of soap though it makes a mention of oil which concession has to continue and cannot be withdrawn by the employers without the concurrence of the workers. The argument of the management's representative is rather fallacious and must be examined. Admittedly the supply of oil and soap to only some of the workmen of the said sections was being made for at least four years before the Wage Board Report. This was admitted on behalf of the management during the arguments. All that the Wage Board Report has done is that the discontinuance of the concession has been prohibited except with the concurrence of the workers. It has not created any discrimination between different groups of workmen. The discrimination was already in existence and has to continue in view of the report. The management, therefore, cannot take shelter behind the Wage Board Report to cover up the discrimination that has long been practised between the workmen. If this argument be accepted it will be putting the cart before the horse. If the Wage Board Report has made the already existing discrimination irreversible except with the concurrence of the workmen it would not become legal in so far as the other workmen who are denied this concession are concerned. I am, therefore, of the view that the workmen of the crusher, quarry, workshop and ropeway sections who are not getting oil and soap are also entitled to this concession and the workmen of the diesel section are entitled to the supply of soap only and not of oil. This issue is decided accordingly.

Issue Nos. 5 and 8

These two issues are inter-linked and will, therefore, be discussed together.

The management has put on the record a settlement dated 23rd January 1959, Ex. R1 in respect of the charter of demands submitted by the Bhupindra Cement Workers Union, Surajpur, in respect of Malla quarry workers. It is signed by the representatives of the two parties including Shri Dalbir Singh who was then a member of the working committee, (Malla) Bhupindra Cement Workers Union, Surajpur, and who is now President of the Union vide the statement of Shri Jagjit Singh Chuga, General Secretary of the Malla Quarry Workers Union who was examined as AW1. The settlement has also been signed by Shri Niranjan Singh, Vice President of the Union, Shri Karan Bir, Branch Secretary of the Union and Shri Narang Singh, Office Secretary (Malla Branch) of the Union. It is important to note that this settlement was arrived at before the Labour Inspector (Central) and Conciliation Officer, Ambala, who has also signed it. The settlement has been proved by Shri S. S. Pandey, Quarry Manager, Malla Quarry, RW1. He has identified the signatures of Shri V. R. Dongrey the then Manager of the Bhupindra Cement Works who put his signatures on the settlement on behalf of the employers. The witness claimed to be conversant with the signatures of Mr. Dongrey as he had worked under him for four years at Chabasa Cement Works. Shri Dongrey is stated to have since retired from the service of the Company and is at present residing at Jamnagar in Gujarat. As a matter of fact there is no evidence against the settlement. Shri Jagjit Singh Chuga the sole witness examined by the workmen stated that he had no knowledge of any such settlement and was unable to say whether it had been signed by Shri Dalbir Singh on behalf of the Bhupindra Cement Workers Union, Surajpur in respect of Malla Quarry. Shri Dalbir Singh had been appearing in this case before the Tribunal and was present in the Court even on the day the arguments were heard. It was suggested by the representative of the management that he (Shri Dalbir Singh) might be examined about the settlement, but no such offer was made by the representative of the workmen or Shri Dalbir Singh himself. I, therefore, feel satisfied that this agreement was duly executed by the representatives of the employers and the employees. It is not claimed that the settlement has been terminated. It is, therefore, still in force and is binding on the parties. On the demand relating to continuance from works to quarry it was agreed between the parties that the Company's transport would run as it was running at that time but to the new benches in the trucks subject to availability of space, to provide seating arrangements. The timings of the conveyance are given in appendix 'A' attached to the

settlement. The demand of the workmen in regard to any change being made in the timings of the conveyance plying between Malla and Surajpur cannot be entertained so long as the settlement is in operation. These issues are decided as above.

Issue Nos. 6 and 7 have been settled between the parties and the settlement reached between them and duly signed by their representatives has been put on the record. It is Ex. C1.

Issue No. 6

The following are the terms of the agreement in regard to the demand covered by this issue:—

(a) The parties agree that the eleven chowkidars, namely, Sarvashri Ram Labhya T. No. 478, Gurdial Singh T. No. 450, Naurang Singh T. No. 457, Kiroo Ram T. No. 460, Tholoo T. No. 463, Sant Ram T. No. 464, Ajaib Singh T. No. 467, Jiwa Ram T. No. 468, Manohar Lal T. No. 471, Mansa Ram T. No. 472 and Schan Lal T. No. 475, who have already completed the training of watchmen, will be promoted as Watchmen in 'D' grade from 1st August 1967.

(b) In respect of the three Chowkidars, viz., Sarvashri Ghoni Singh T. No. 461, Punnu T. No. 470, and Sita Ram T. No. 476, who have undergone the required training but have not been found upto the required standard, their work will be watched by the Company for a period of three months from the date of this application and their cases for promotion to watchmen will be considered on the expiry of the said period of three months.

(c) Shri Dev Ram, Chowkidar T. No. 477, who could not undergo training of watchman owing to his having met with an accident, will be given an opportunity for being trained as watchman at the Company's training centre at Mehgaon at the earliest opportunity and his case will be decided by the Company for promotion as watchman thereafter.

(d) The remaining two Chowkidars, namely, Sarvashri Puran Singh T. No. 466 and Dilla Ram T. No. 469, who are considered unfit for promotion as watchmen in 'D' Grade will continue as Chowkidars in 'K' Grade.

Issue No. 7

The following are the terms of the settlement in regard to this issue:—

S. No.	Name	T. No.	Present Designation	Designation Demanded	Settlement
1	Shri Hari Chand	100	Mazdoor	Helper	The Company agrees that he shall be designated as helper in 'E' grade with effect from 1-8-67.
2	Sh. Mukanda	102	Helper	Greaser	The Company agrees to change his designation as Greaser in 'D' Grade with effect from 1-8-67 subject to his passing the trade test.
3	Sh. Ujagar Singh	72		..	He is already promoted as Machinery Attendant in 'D' Grade from 1-1-66.
4	Sh. Naurata Ram	97	Machy. attdt.	Machy. attdt. & Asstt. Fitter.	The unions agree not to press their claim in respect of this worker.
5	Sh. Tulsi Ram	98	Machy. attdt.	Do.	The unions agree not to press their claim in respect of this workman.

Sl. No.	Name	T. No.	Present Designation	Designation Demanded.	Settlement
6	Sh. Rama Nand	82	Helper	Issuer	The unions agree not to press their claim in respect of this workman.
7	Sh. Kiroo Ram	334	Do.	Electrician	It is agreed that he will be promoted to 'C' grade as Wireman with effect from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step.
8	Sh. Bali Ram	103	Mazdoor	Peon	The unions agree not to press their claim in respect of this workman.
9	Sh. Sira Ram	112	Mazdoor	Greaser	It is agreed to promote him as Greaser in 'D' grade with effect from 1-8-67 subject to his passing his trade test.
10	Sh. Balak Ram	115	Mazdoor	Helper	The Company agrees to designate him as Helper in 'E' Grade from 1-8-67.
11	Sh. Basant Singh	119	Do.	Greaser & cleaner	It is agreed to promote him as Greaser in 'D' grade with effect from 1-8-67 subject to his passing the trade test.
12	Sh. Jagoo Ram	79	Helper	Fitter	He was designated as Asstt. Fitter from 1-1-67. It is agreed that he will be promoted to 'C' grade as Fitter from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step.
13	Sh. Mani Ram	116	Mazdoor	Asstt. Khalasi	The unions agree not to press their claim in respect of this workman.
14	Sh. Dharam Singh	2	Fitter 'A' grade.	Mechanic 'A' grade.	It is agreed to designate him as Mechanic 'A' grade.
15	Sh. Ram Singh	327	Asstt. Electrician in 'D' grade	Electrician.	It is agreed to promote him as Electrician in 'C' grade from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step.
16	Sh. Dip Ram	328	—	—	He is already promoted as Electrician in 'C' grade with effect from 1-1-67.

S. No.	Name	T. No.	Present Designation	Designation Demanded	Settlement
17	Sh. Lal Singh	346	Asstt. Welder	Welder in 'C' grade.	It is agreed to promote him as welder in 'C' grade from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step.
18	Sh. Mansu	345	—	—	He has already been promoted as Welder in 'C' grade from 1-1-67.
19	Sh. Punnu	348	Hammerman	Blacksmith	The Unions agree not to press their claim in respect of this workman.
20	Sh. Parma Nand	341	—	—	He is already promoted as fitter in 'C' grade with effect from 1-1-67.
21	Sh. Sardhu	349	Asstt. Fitter.	Fitter 'C' grade.	The Unions agree not to press their claim, as he has not reached the ceiling of his present grade.
22	Sh. Tulsi	331	Mazdoor	Helper	The Company agrees to designate him as Helper in 'E' grade with effect from 1-8-67.
23	Sh. D. Bahadur	329	Do.	Do.	The Company agrees to designate him as Helper in 'E' grade with effect from 1-8-67.
24	Sh. Moortu	329	Do.]	Do.	The Company agrees to designate him as helper in 'E' grade with effect from 1-8-67.
25	Sh. Bachna	362	Bar Bender	Fitter	His case will be considered for promotion as Fitter in 'C' grade from 1-1-69 subject to his passing the trade test. He will be designated as Assistant Fitter from 1-8-67 and will continue to draw his present wages.
26	Sh. Ganga Ram	410	Machinery attdt.	Machinery attdt. cum-Fitter.	It is agreed to redesignate Shri Ganga Ram as Flour Mill Attendant with effect from 1-8-67. He will continue to be in 'D' grade as at present.
27	Sh. Kirpa	411	Mazdoor	Helper	It is agreed to redesignate Shri Kirpa as Helper in 'E' grade from 1-8-67.

Sl. No.	Name	T .No.	Present Designation	Designation Demanded	Settlement
28	Sh. Khem Chand	146	Assistant Crusher Attendant	..	He has already resigned from the Company's service.
29	Sh. Bandu Ram	144	Do.	Crusher attendant in 'C' Grade	It is agreed to promote him as Crusher Attendant in 'C' grade with effect from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step.
30	Sh. Ronqi Ram	147	Do.	Crusher Attendant.	It is agreed to promote him as Crusher Attendant in 'C' grade with effect from 1-8-67 subject to his passing the trade test, and he will be fitted at the appropriate pay step.
31	Sh. Dhani Ram	145	..	..	He is already promoted as Crusher Attendant in 'C' grade with effect from 1-1-67
32	Baldev Singh	148	Assistant Crusher Attendant	Crusher Attendant	The unions agree not to press their claim in respect of this workman.
33	Sh. Balak Ram	137	Assistant Fitter	Fitter C. Grade	It is agreed to promote him as Fitter in 'C' grade from 1-8-67 subject to his passing the trade test and will be fitted at the appropriate pay step in 'C' grade.
34	Naurata Singh	171	Mazdoor	Helper	It is agreed to designate him as Helper in 'E' grade with effect from 1-8-67.
35	Sh. Balu Ram	172	Mazdoor	Helper	It is agreed to designate him as Helper in 'E' grade with effect from 1-8-67.
36	Sh. Teja Ram	159	..	Machinery Attendant	The unions agree not to press their claim.
37	Sh. Surtia	351	Helper	Pipe Fitter	The Unions agree not to press their claim in respect of this workman.

1	2	3	4	5	6
38	Sh. Sawnoo	T.No. 197	Machny. attdt.	Scrap hauler operator	It is agreed that one workman out of these four workmen, who is the senior most, will be promoted as Scrap-hauler Operator in 'C' grade from 1-8-67 and will be fitted at the appropriate pay step in 'C' grade, subject to his passing the trade test. If the senior most workman does not pass the trade test, then the next person in seniority will be considered. It is further agreed that the one workman out of these four Machy. Attendants who is promoted as Scramphauler Operator, will continue to perform his present duties of Machy. Attendant as and when required.
39	Sh. Balaki Ram	T.No. 196	Do.	Do.	
40	Sh. Tulla Ram	T.No. 198	Do.	Do.	
41	Sh. Brahma Nand	T.No. 195	Do.	Do.	
42	Sh. Sohan Lal				He has already been promoted as a Clerk in 'C' grade with effect from 1-1-66.
43	Sh. Bahadur Singh		Tally checker	Clerk 'C' grade.	It is agreed to promote him as 'C' grade clerk from 1-8-67 and fit him at the appropriate pay step of his grade.
44	Sh. Bhagwati Lal		Do.	Do.	Since he has been transferred to Lakheri works, the unions agree not to press their claim in respect of this workman.
45	Sh. S. C. Bannerjee		Clerk 'C' grade.	Magazine Incharge	It is agreed that his present designation of 'C' grade clerk will continue. However, against his designation, the following words in the bracket will be added :— "Magazine Incharge"

1	2	3	4	5	6
46	Sh. Khiali Ram	T.No. 388	Mazdoor	Issuer	It is agreed to promote him as Issuer in 'D' grade with effect from 1-8-67. He will be fitted at the appropriate pay step in 'D' grade.
47	Sh. Parma Nand	T.No. 404	..	..	He is already designated as Chaprasi and therefore the Unions do not press their claim.
48	Sh. Ronqi Ram	T.No. 415	Dresser	Compounder	<p>Sh. Gurbachan Singh has expired. It is agreed that out of the remaining two dressers, namely Harnam Singh and Ronqi Ram, one will be promoted as Compounder provided he holds the necessary Certificate to work as Compounder. The decision as to who should be promoted will be taken by the Management in consultation with the Gen. Secretary Malla Quarry workers Union. The promotion will be made effective from 1-8-67 and the workman concerned will be fitted in the grade of Compounder at the appropriate pay step.</p>
49	Sh. Gurbachan Singh		Do.	Do.	
50	Sh. Harnam Singh	T.No. 417	Do.	Do.	
51	Sh. Biroo Ram	T.No. 421	Sweeper	Dresser	The Unions agree not to press their claim in respect of this workman.
52	Sh. Raghu	T.No. 422	Do.	Do.	The Union agree not to press their claims in respect of this workman.
53	Sh. Sita Ram	T.No. 387	Issuer	Tally Checker	It is agreed that Shri Sita Ram will continue to hold the designation of Issuer. He will, however, be placed in the monetary grade of Rs. 60-4-80-EB/4-100 and will be fitted at the appropriate pay step in this grade with effect from 1-8-67.

All the Mazdoors who are to be designated as Helpers in terms of the Agreement will continue to perform the same duties as at present performed by them.

Such of the Helpers who will be designated as Greaser will continue to perform the same duties as at present performed by them.

Both the Unions are satisfied that all the workmen of the Quarry are correctly designated and classified into various monetary grades in force at the quarries.

In the result I make an award in terms of the findings given on the above issues and the terms of the settlement set out above.

There shall be no order as to costs.

ISHWAR DAS PAWAR,
Presiding Officer,
Industrial Tribunal, Punjab,
Chandigarh.

27-11-1967.

[No. 36/37/65-LRI.]

S.O. 4647.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the Industrial Dispute between the employers in relation to Calcutta Licensed Measurers, Calcutta, and their workmen, which was received by the Central Government on December 6, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 56 OF 1967

PARTIES:

Employers in relation to the Calcutta Licensed Measurers, Calcutta,

AND

Their workmen. ,

PRESENT:

Shri S. K. Sen—*Presiding Officer*.

APPEARANCES:

On behalf of Employers—Shri K. K. Mitra, Secretary, Calcutta Licensed Measurers.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Port & Dock.

AWARD

By Order No. 28(50)-67-LRIII dated 5th July, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Licensed Measurers, Calcutta, and their workmen arising from the demand of the Reserve Workers of the Calcutta Licensed Measurers for being made permanent.

2. On behalf of the Calcutta Licensed Measurers, the Secretary, Shri K. K. Mitra, has appeared and stated that shortly after the submission of the failure report by the A.L.C., Central, Calcutta but before the order of reference was made, the matter was settled amicably in the presence of the R.L.C., Central, Calcutta. He has produced a memorandum of settlement signed in the presence of the R.L.C., Central, Calcutta, on 9th June, 1967 between the representatives of the employers and the workmen represented by the two unions, namely, the National Union of Water-front Workers and the Calcutta Port and Dock Workers Union. By the terms of the settlement, the employers have agreed to make thirty of the Reserve workers permanent on the date of signing of the agreement and to make the remaining Reserve workers permanent within a year from the date of the signing of the agreement. The original memorandum of settlement signed by the representatives of the two parties as well as the R.L.C., Central, Calcutta has been produced before me and a certified copy thereof has been filed before the tribunal. It is clear, therefore, that on the date when the reference was made, there was no dispute

concerning the demand of the Reserve Workers of the Calcutta Licensed Measurers for being made permanent.

3. I therefore make this award on the footing that there is no dispute now in existence between the Calcutta Licensed Measurers and their workmen concerning the claim of the Reserve Workers to be made permanent.

Sd./ S. K. SEN,
Presiding Officer.

[No. 28(50)/67-LR.III.]

1-12-67

S.O. 4648.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the Industrial Dispute between the employers in relation to Messrs. Everett Steamship Corporation, Bombay and 13 others and their workmen which was received by the Central Government on 5th December, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL BOMBAY.

REFERENCE No. CGIT-12 of 1966

PARTIES:

Employers in relation to:—

- (1) Everett Steamship Corporation, Bombay.
- (2) Malabar Steamship Company Ltd., Bombay.
- (3) Mackinnon Mackenzie & Co. Private Ltd., Bombay.
- (4) National Steamship Company Ltd., Bombay.
- (5) Merchant Steam Navigation Company, Bombay.
- (6) Scindia Steam Navigation Company Ltd., Bombay.
- (7) Forbes Forbes Campbell & Company Ltd., Bombay.
- (8) Killick Nixon & Co. Ltd., Bombay.
- (9) Ambica Steam Navigation Company Ltd., Bombay.
- (10) New Dholera Steamship Company, Bombay.
- (11) South East Asia Shipping Co. Ltd., Bombay.
- (12) Bombay Steam Navigation Company Ltd., Bombay.
- (13) Anchor Line Limited, Bombay.
- (14) Great Eastern Shipping Co. Ltd., Bombay.

AND

their workmen represented by the Transport and Dock Workers' Union, Bombay.

PRESENT:

Shri A. T. Zambre—*Presiding Officer.*

APPEARANCES:

For employer No. 1:

Shri I. G. Barbour, Manager.

For employers 3, 6 and 12:

Shri S. S. Chiniwalla, Advocate.

For employer No. 7:

Shri M. D. Namjoshi, Labour Officer.

For employer No. 8:

Shri F. L. Berarwalla, Chartered Accountant.

For employer No. 13:

Shri S. G. Nayak.

For the workmen:

Shri H. K. Sowani, Advocate.

STATE: Maharashtra.

INDUSTRY: Shipping.

Bombay dated 27th November 1967

AWARD PART II

The Government of India in the Ministry of Labour and employment by their order No. 28/101/65-LR-IV dated 14th March 1966 have referred to this

Tribunal an industrial dispute between the 14 employers listed above and their workmen in respect of the subject matter specified in the following schedule:—

"Whether the employers listed herein are justified in not implementing the interim recommendations of the Wage Board for Port and Dock Workers as published vide Government of India, Ministry of Labour and Employment Resolution No. WB 21(13)/65 dated the 27th April, 1965 in respect of their employees at Bombay? If not, to what relief are the employees entitled to and from which date?"

2. My learned predecessor, Shri Salim M. Merchant, has by his Award Part I dated 26-8-1967 disposed of the reference in respect of the six employers viz., serial No. (2) Malabar Steamship Co., (4) National Steamship Co. Ltd., (5) Merchant Steam Navigation Company, (10) New Dholera Steamship Company, (11) South East Asia Shipping Company Ltd., and (14) Great Eastern Shipping Company Ltd., Bombay, and I have heard the dispute between the remaining employers and their workmen.

3. The dispute pertains to the implementation of the interim recommendations made by the Central Wage Board for Port and Dock Workers and out of the remaining employers six have almost settled their dispute with the workmen. Shri Barbour, Manager of serial No. 1 Everett Steamship Corporation, Bombay, submitted on 15th November 1967 that the company has settled the dispute with its workmen. Shri H. K. Sowani who appeared for the union has admitted that they have concluded an agreement with the employer No. 1 and the workmen have no dispute with them and the reference in respect of them shall be treated as disposed of.

4. The grievances of the workmen under the employ of serial No. 3 Machinnon Mackenzie & Co. Ltd., serial No. 6 Scindia Steam Navigation Company Ltd., and serial No. 12 Bombay Steam Navigation Co. Ltd., have also been substantially redressed by agreements. Shri Sowani, learned Counsel for the Union has admitted that Messrs. Machinnon Mackenzie & Co. Ltd., have by their agreement with the Transport and Dock Workers' Union dated 30th April 1966 agreed to pay dearness allowance in accordance with the recommendations of the Central Wage Board for Port and Dock Workers and submitted that he did not want to press the demands against the company. The memorandum of settlement has been produced as annexure 'B' to the affidavit filed on behalf of the company in which item 5 pertains to dearness allowance.

5. Similarly, serial No. 6 Messrs. Scindia Steam Navigation Co. Ltd., and serial No. 12 Messrs. Bombay Steam Navigation Co. Ltd., have also entered into settlements with their workmen. They have also produced reply affidavits and the copy of the agreement. The document shows that the two companies have entered into agreements with their workmen represented by the Scindia Employees' Union on 12th November 1966. Shri Sowani, learned Counsel for the union has submitted that for the purpose of the dispute in question the Transport and Dock Workers' Union recognises the agreement arrived at between the two companies and the Scindia Employees' Union on behalf of the employees of the two companies and the Transport and Dock Workers' Union did not want to press the demand in this reference as the same has been substantially conceded. Consequently the demands against these two companies also do not survive.

6. As regards employer No. 7—Messrs. Forbes Forbes Campbell & Co. Ltd., they have contended by their written statement that the company has no workmen in its employment who can be brought within the purview of the definition of dock workers as defined by the Wage Board and the question about the implementation of the recommendations of the Wage Board so far as this company was concerned does not arise. Shri Sowani, learned Counsel for the union has conceded that the statement made by the company was correct and he did not want to press the claim against it. He has however submitted that there are dock supervisors but as their wages are above Rs. 500/- and as their work was of a supervisory nature he did not want to press the demand against this company. Consequently it must be held that the demand against this company in the present reference does not survive.

7. As regards the employer serial No. 8. Messrs. Killick Nixon & Co. Ltd., they have by their written statement stated that their employees were represented by the Bombay Labour Union and their demands in respect of wage scales, dearness allowance etc., were referred under section 10(2) of the Industrial Disputes Act and the said Reference was pending before the Industrial Tribunal, Maharashtra, being Ref. No. IT-149/66. Shri Sowani learned Counsel for the union has also admitted about this pending reference and submitted that as the claim of the dock supervisors was also included in that reference and there was no other category of employees concerned he did not want to press the present reference

against Messrs. Killick Nixon & Co. Ltd. Under the circumstances the reference against this employer will also be treated as disposed of.

8. As regards the reference against serial No. 9 Messrs. Ambica Steam Navigation Co. Ltd., and No. 13 Messrs. Anchor Line Limited., the first company has filed a written statement contending that it has scrapped its only ship 'ASHA' and has closed its dock section with effect from 27th March 1967 and terminated the services of all the employees in that section and their name should be dropped from the reference. Messrs. Anchor Line Limited, have not filed any written statement and Shri Nayak who appeared for this company on 15th November 1967 and 16th November 1967 has submitted that the company has closed its business with effect from 30th September 1966 but they would abide by the decision of this Tribunal in the present reference.

9. Both these employers have not seriously disputed the claim of the workmen regarding the interim relief granted by the Central Wage Board. Messrs. Ambica Steam Navigation Co. Ltd., has in their written statement dated 10th May 1967 stated that they adopted the statement filed by Messrs. Mackinnon Mackenzie & Co. Ltd. I have already referred to the settlement arrived at between the employers Messrs. Mackinnon Mackenzie & Co. Ltd., and their workmen and the company has agreed to pay dearness allowance in accordance with the recommendations of the Port and Dock Wage Board. The Government of India, Ministry of Labour and Employment by their Resolution No. WB-21(4)/64 dated 13th November 1964 constituted a Central Wage Board for the Port and Dock workers at the major ports. In the middle of April 1965 the Board made unanimous recommendations with regard to the interim relief to be paid to the Port and Dock Workers. These recommendations were accepted by Government by their Resolution No. WB-21(13)/65 dated 27th April 1965 and requested the concerned employers to implement the recommendations.

10. Though almost all the employers have settled the dispute many of them had raised technical objections in their written statements. They have mainly contended that the Wage Board has failed to determine the categories of workers which was their first term of reference that no notices were issued to the parties before determining the interim relief and the recommendations were not binding on the companies. It is clear from the appendix to the Government Resolution dated 27th April 1965 that the recommendations of the Board apply to all the categories of the employees. They may not have thought it necessary at that stage to determine the categories of employees and I do not find any substance in the alleged grievance. It is clear from the recommendations of the Board that the interim relief is to be shown as a separate item till the final recommendations come into effect. It is merely an *ad hoc* relief and the employers will not be justified in not implementing the recommendations on the plea raised by them. The very fact that almost all the employers have settled the dispute about the implementation of the recommendations shows that the workmen were entitled to the relief granted under the interim recommendations.

11. The Board has recommended that the categories of employees who were not being paid dearness allowance at Government rates should be paid dearness allowance from the 1st October 1964 at rates given by them in paragraph III(A) of the Resolution. They also recommended interim relief of Rs. 7*80 per month to all the employees with effect from 1st February 1965 and the workmen of the two companies *viz.* serial Nos. 9 and 13 will be entitled to the relief as per the recommendations of the Wage Board with effect from 1st October 1964 and 1st February 1965.

12. I have already observed that both the concerns have stopped their business and the workmen in their employ will be entitled to the relief till the date the business is closed. The Ambica Steam Navigation Co., has closed the dock business on 27th March 1967 and their workmen will be entitled to claim the reliefs from the dates mentioned in the Resolution till 27th March 1967. Those in the employ of Messrs. Anchor Line Ltd., will be entitled to the interim relief from the dates mentioned in the Resolution till 30th September 1966 on which date the company stopped the business.

No order as to costs.

A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.

[No. 28/101/65-LRIV.]

New Delhi, the 18th December 1967

S.O. 4648.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri A. N. Roy, Arbitrator in the dispute between the management of Khetri Copper Project of National Mineral Development Corporation Limited, Post Office Khetri, District Jhunjhunu (Rajasthan) and their workmen represented by Rashtriya Khetri Tamba Project Mazdoor Sangh which was received by the Central Government on the 15th December, 1967.

**BEFORE THE REGIONAL LABOUR COMMISSIONER (CENTRAL), AJMER—
ARBITRATOR**

In the matter of an industrial dispute for arbitration under Section 10A of the Industrial Disputes Act, 1947 (14 of 1947).

Name of the Parties

Representing Employer:—

Sri A. C. Anand, D.C.S./Admn. Officer, Khetri Copper Project of M/s. N.D.M.C. Ltd., Khetri, Distt. Jhunjhunu.

Representing workmen:—

- (1) Sri R. P. Pandey, Secretary, Rashtriya Khetri Tamba Project Mazdoor Sangh, Khetri.
- (2) Sri G. C. Bhargawa, Vice President, R.K.T.P.M. Sangh, Khetri.
- (3) Shri R. B. Dwivedi, Member, R.K.T.P. Mazdoor Sangh, Khetri.

INDUSTRY: Copper

STATE: Rajasthan,

Dated 9th December, 1967

AWARD

In pursuance of Sub-Section (3) of Section 10A of the Industrial Dispute Act, 1947 the Government of India, Ministry of Labour, Employment and Rehabilitation (Deptt. of Labour and Employment) New Delhi by their notification No. 52/15/66-LRI dated 20th May 1967 published in the Gazette of India Part-II Section 3(ii), notified the arbitration agreement dated 17th April 1967 between the Parties mentioned above and their workmen represented by the Rashtriya Khetri Tamba Project Mazdoor Sangh under which Shri A. N. Roy, Regional Labour Commissioner (Central), Ajmer was appointed as Arbitrator in respect of the following dispute:—

“Whether the following employees employed in the Khetri Copper Project of National Mineral Development Corporation Limited, are workmen as defined in Section 2(s) of the Industrial Disputes Act, 1947.

Civil Wing:

- | | | |
|-----|-------------------------------|----------------------------|
| 1. | Shri P. V. Rao | Foreman Civil |
| 2. | „ M. L. Thakar | Section Officer |
| 3. | „ K. R. Puria | Sr. Scientific Asstt. |
| 4. | „ R. S. Mertia | Horticulture Officer |
| 5. | „ P. N. S. Mehrotra | Sr. Surveyor |
| 6. | „ P. D. Gokhale | Engineering Asstt. (Civil) |
| 7. | „ R. L. Taneja | „ „ „ |
| 8. | „ S. C. Gupta | „ „ „ |
| 9. | „ B. K. Sethi | „ „ „ |
| 10. | „ M. G. Singh | „ „ „ |
| 11. | „ Lalji Kappor | „ „ „ |
| 12. | „ A. B. Mathur | „ „ „ |

Mechanical Wing:

13. Shri A. Channaiah Foreman (Mechanical)

Mining Wing:

14. Shri Bal Bahadur Foreman (Mining)
 15. „ B. D. Gupta „ „
 16. „ M. P. Singh Yadav „ „

Prospecting Wing:

17. Shri M. L. Karnwal Sr. Surveyor (Topo)
 18. „ Gurmej Singh „ „
 19. „ Kishori Lal „ „
 20. „ M. Pal Sr. Technical Asstt.
 21. „ S. K. Sinha „ „
 22. „ P. P. Kala „ „
 23. „ H. N. Chaturvedi „ „
 24. „ Masood Ahmed „ „
 25. „ Shamim Ishaq „ „

Administration Wing:

26. Shri D. R. Bhagwat. P. S. to G. M.
 27. „ D. C. Mehta Section Officer

Finance and Accounts Wing:

28. Shri M. B. Kulkarani Sr. Accountant

Stores Wing :

29. Shri I. J. S. Katari Asstt. Store Officer

Purchase Wing:

30. Shri C. D. Sharma Asstt. Purchase Officer.”

In response to the notice issued to the Parties, the management filed their written statement on 15th June 1967 and the union on 6th July 1967. The arbitration Proceedings were held on 25th July 1967 at Ajmer and 17th November 1967 at Khetri. In the course of hearing on 17th November 1967, the Parties submitted that the dispute had been settled amicably by them by mutual discussions and accordingly prayed that the arbitration award may be given in terms of the said settlement. The relevant portion of the mutual settlement between the parties is reproduced below:—

“This was discussed today, the 1st October, 1967 in a joint meeting held in the office of the National Mineral Development Corporation Limited 61-Ring Road, New Delhi and the following was thereafter agreed by both the parties:—

- (i) Employees whose maximum of pay scale does not exceed Rs. 475/- per month should be treated as workmen and employees whose pay scale exceeds Rs. 475/- per month are to be treated as non-workmen.

Exception was however made in respect of the following dispute and categories in view of the nature of work and the employees are to be treated as workmen:—

1. Senior Scientific Asstt. (Civill).
2. Senior Surveyor (Civill).
3. Senior Surveyors (Topo).
4. Foremen (Mechanical).
5. Foremen (Mining).
6. Private Secretary to the General Manager.
7. Senior Technical Assistants."

I am satisfied that the aforesaid terms of settlement of the dispute in the facts and circumstances of the case will fair and reasonable. I make an award in terms of the above mentioned compromise settlement, which is annexed as Annexure 'A'.

A. N. Roy,
Regional Labour Commissioner (C),
Ajmer.
(ARBITRATOR).

ANNEXURE A

FORM H

(See Rule 58)

Form for Memorandum of Settlement

I. Name of the Parties:

(i) *Representing Employer:*

1. Shri R. K. Khanna, Senior Administrative Officer, National Mineral Development Corporation Limited, N. I. T. Faridabad.

2. Sri S. C. Anand, Administrative Officer, Khetri Copper Project, NDMC Ltd., P. O. Khetri Copper Project, Distt. Jhunjhunu (Rajasthan)

3. Sri S. J. Berry, Labour Welfare Officer, Khetri Copper Project, National Mineral Development Corpn., Ltd., P. O. Khetri Copper Project, Dist. Jhunjhunu (Raj).

(ii) *Representing Workers:*

1. Sri G. C. Bhargava, Vice President, Rashtriya Khetri Tamba Project Majdoor Sangh, P. O. Khetri, Distt. Jhunjhunu (Rajasthan).

2. Sri S. C. Gupta, Secretary, Rashtriya Khetri Tamba Project Mazdoor Sangh, P. O. Khetri, Dist. Jhunjhunu (Rajasthan).

2. Short recital of the Case:

Whether the following employees employed in Khetri Copper Project of National Mineral Development Corporation Limited, are workmen as defined under section 2(s) of the Industrial disputes Act, 1947.

S. No.	Name	Designation	Pay Scale
<i>Civil Wing:</i>			Rs.
1.	Shri P. V. Rao	Foreman (Civil)	350-25-575
2.	Shri M. L. Thakar	Section Officer	325-575
3.	Shri K. R. Puria	Sr. Scientific Asstt.	335-575
4.	Shri R. S. Mertia	Horticulture Officer	325-575
5.	Shri P. N. Mehrotra	Sr. Surveyor	325-575
6.	Shri P. D. Gokhale	Engg. Asstt. (Civil)	325-475
7.	Shri R. L. Taneja	" "	325-475
8.	Shri S. C. Gupta	" "	325-475
9.	Shri B. K. Sethi	" "	325-475
10.	Shri M. G. Singh	" "	325-475
11.	Shri Lalji Kapoor	" "	325-475
12.	Shri A. B. Mathur	" "	325-475
<i>Mechanical Wing:</i>			
13.	Shri A. Chinniah	Foreman (Mech)	350-575
<i>Mining Wing:</i>			
14.	Shri Bal Bahadur	Foreman (Mining)	350-525
15.	Shri B. D. Gupta	" "	350-525
16.	Shri M. P. Singh Yadav	" "	350-525
<i>Prospecting:</i>			
17.	Shri M. L. Karnwal	Sr. Surveyor (Topo)	325-575
18.	Shri Gurmej Singh	" "	325-575
19.	Shri Kishori Singh	" "	325-575
20.	Shri M. Pal	Sr. Tech. Asstt.	350-575
21.	Shri S. K. Sinha	" "	350-575
22.	Shri P. P. Kala	" "	350-575
23.	Shri H. N. Chaturvedi	" "	350-575
24.	Shri Masood Ahmed	" "	350-575
25.	Shri Shamim Ishaq	" "	350-575
<i>Administration Wing:</i>			
26.	Shri D. R. Bhagwat	P. S. to G.M.	325-575
27.	Shri D. C. Mehta	Section Officer	325-575
<i>Finance and Accounts Wing:</i>			
28.	Shri M. B. Kulkarni	Sr. Accountant	325-575
29.	Shri I. J. S. Katari	Asstt. Stores Officer	325-575
<i>Purchase Section:</i>			
30.	Shri C. D. Sharma	Asstt. Purchase Officer	325-575

3. *Terms of Settlement:*—This was discussed today, the 1st October, 1967 in a joint meeting held in the office of National Mineral Development Corporation Limited, 61-Ring Road, New Delhi and the following was thereafter agreed by both the parties:—

- (i) Employees whose maximum of pay scale does not exceed Rs. 475/- per month should be treated as workmen and employees whose pay scale exceeds Rs. 475/- per month are to be treated as non-workmen.

Exception was however made in respect of the following disputed categories in view of the nature of work and the employees are to be treated as workmen:—

1. Senior Scientific Asst. (Civil).
2. Senior Suveyor (Civil)
3. Senior Surveyors (Topo)
4. Foremen (Mechanical).
5. Foremen (Mining).
6. Private Secretary to the General Manager.
7. Senior Technical Assistants.

(ii) Pay fixation by giving advance increments on account of increase of house rent should be given effect to from 4th April 1966 as has been done in case of other workmen.

(iii) It was also agreed that no recovery towards arrears of project allowance and House rent should be made from the following employees; who are to be treated as non-workmen

- | | |
|-------------------------|--------------------------|
| 1. Shri P. V. Rao | Foreman (Civil) |
| 2. Shri M. L. Thakar | Section Officer |
| 3. Shri D. C. Mehta | Section Officer |
| 4. Shri R. S. Mertia | Horticulture Officer |
| 5. Shri M. B. Kulkarani | Sr. Accountant |
| 6. Shri I. J. S. Katari | Asstt. Stores Officer |
| 7. Shri C. D. Sharma | Asstt. Purchase Officer. |

Sd/-

1. (G. C. BHARGAVA)

Sd/-

2. (S. C. GUPTA)

Sd/-

1. (R. K. KHANNA)

Sd/-

2. (S. C. ANAND)

Sd/-

3. (S. J. BERRY)

[No. 52/15/66-LRI.]

New Delhi, the 19th December 1967

S.O. 4649.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Guntur, in the industrial dispute between the employers in relation to the management of M/s Krishna Cements, Sitarampuram Mines, Piduguralla and their workmen, which was received by the Central Government on the 13th December, 1967.

BEFORE THE PRESIDING OFFICER: LABOUR COURT: GUNTUR

PRESENT:

Shri B. Venkataramana, B.A., B.L.—*Presiding Officer.*

Saturday the 2nd day of December, 1967

I.D. No. 7 of 1967

BETWEEN:

G. Obulu, Secretary, Sitarampuram Mines Employees' National Union, Sitarampuram Mines, via Piduguralla, District Guntur.—*Applicant.*

AND

The Associated Cement Co. Ltd., Krishna Cement Works, Sitarampuram Mines, Piduguralla.—*Respondent.*

This petition coming on for final hearing on 16th November 1967 upon perusing the claim and counter statements and other material papers on record and upon hearing the arguments of Sri V. Jagannadha Rao for the petitioner and Sri K. Srinivasamurthy for respondent/management and having stood over for consideration till this day, the Court passed the following:

AWARD

This is a reference made by the Government of India, Ministry of Labour and Employment and Rehabilitation by an order dated 4th May 1967. By the said reference the following issue has been referred to this Court:—"Whether the

management of M/s. Krishna Cement Co., Sitarampuram, Piduguralla, was justified in discharging Sri G. Obulu and if not to what relief is he entitled?

2. The respondent/management filed a counter to the following effect:—The reference as made is illegal. The workman retired from service on superannuation. The reference relates to the justification of the alleged dischargee, and there were no discharge at all. Obulu joined service on 1st January 1949. At that time the workman did not give any proof of his age. In 1953 when the Provident Fund Scheme became applicable to the employees a report had to be submitted regarding the age of all employees. Obulu along with some other employees failed to produce proof of age. Hence Obulu was sent to the Medical Officer who assessed the age of Obulu as 47 years on 1st October 1953. Obulu put his thumb impression on the declaration form in token of acceptance of the age. Thereafter Obulu accept his progressive age as maintained in the Mines B. Register. On 1st October 1966 the worker attained the age of 60 years and he was served a notice on 30th September 1966 that he has to retire with effect from 31st October 1966. Thereupon Obulu submitted an extract from the register of births of Mutukur which stated that Obulu was born in 1915. Obulu therefore contended that he had 9 years more to serve. The birth extract varies in considerable particulars from the records of the Company. In the records of the company his father's name was shown as Katalah whereas the birth extract showed it as Kotudu. The village of Mutukur was shown as his place in the birth extract whereas the declaration showed it as Kotanemilipuri. The mother's name, residence, age at the time of confinement, and many other particulars were left blank in the birth extract. Therefore the worker has attained the age of superannuation and the I.D. may be rejected.

3. The only point that arises for consideration is whether the worker is superannuated as contended by the management.

4. Point.—WW1 is the workman. He gives his father's name as Gorremochu China Kotalah, as stated in Ex. M1 the birth register extract. The declaration Ex. M2 gives the father's name as G. Kotalah. In cross-examination WW1 deposes that the name of his village given as Kotanemilipuri in Ex. M2 the declaration is correct. But Ex. M1 the birth register extract relates to Mutukur. WW1 deposes that from the time he knew his father was being called as China Kotalah. If so I do not see why Ex. M2 shows that name as G. Kotalah and not as China Kotalah. WW1 asserts that China Kotalah is the name given by him as that of his father when he joined service under the respondent. There was no motive at the time of Ex. M2 for any person connected with the management to have made any wrong entries in Ex. M2. WW1 deposes that at time of Ex. M2 he gave his age as about 25 years. Ex. M2 is of 1953. If so, according to this evidence of WW1 he must have been born in 1928. But Ex. M1 gives the year of birth as 1915. Ex. M1 the birth register extract relates to Mutukur whereas the place of the worker is given as Kotanemilipuri in Ex. M2. Curiously enough Ex. M2 gives the name of the child also, though it happens only very occasionally. The place of residence of the mother is left blank. Her name also is left blank. No entries are found in columns 9 to 15 of birth register extract. A birth register extract has been held to be not proof of the fact that a child is the child of the father named therein. At most it is proof of only the name of the mother of the child. A father can contend against a birth register extract that the child is not his. Therefore unless a birth register extract contains the name of the mother of the child born, I opine that no value can be attached to it. The village munsiff of Kotanemilipuri has been examined as WW2. He deposes that the name of the workman's father is China Kotalah consistently with Ex. M1. He deposes that the workman's father came down to Kotanemilipuri from some place in Palanad Taluk. From this evidence it cannot be concluded that WW1 and his father belonged to Mutukur. WW1 is the Quarry-Manager under the respondent. He deposes that WW1 was taken on 1st January 1949 as Mazdur and that he did not then state or give proof of his age. Ex. M3 is the register of employees and it consistently shows the name of the petitioner's father as Kotalah. WW1 deposes that a notice the original of Ex. M4 was served on all the workers. That such a notice has been served is not disputed. It is dated 13th March 1951. Ex. M3 shows that the petitioner affixed his thumb impression therein every year. He admits that WW1 gave an application even before retirement to change his date of birth to be consistent with Ex. M1. In cross-examination WW1 deposes that he does not know if respondent changed the date of birth for any worker who produced a birth register extract. It is not the case of the petitioner that on account of any Trade Union activities the respondent had any grievance against the petitioner. It is contended by the worker that the declaration Ex. M2 is to be taken only for the purpose of emphasising the nominees of the worker therein and not with reference to the other entries stated therein. The worker relies upon (1958-2 I.L.J. page 324) "Southern Railway vs. Mohammad Yakub". Therein it has been laid down that a change of date of birth has to be

made after an enquiry. It is therefore contended for the worker that when an application had been made by the worker for change of date of birth the prayer could not be brushed aside by the management without an enquiry. The very same authority is relied upon by the worker to say that an order making an order of retirement is an administrative order against which a writ lies and a party cannot be forced to a civil suit. The management relies upon (1965-2 LLJ page 437) "India General Navigation and Railway Company Vs. Their workmen". In the said decision the Supreme Court held that a workman can be compelled to retire as per the date of birth declared in the declaration form relating to the Provident Fund. But in the present case this decision is sought to be distinguished on the ground that the petitioner is illiterate, and on the further ground that the age given in the declaration form is as per medical opinion and not one given by the worker himself. The management relies also upon (1963-2 LLJ page 638) "Buckingham and Carnatic Company Vs. Venkatiah", wherein it has been laid down that in a case where no *mala fides* is alleged against the management, for refusing to accept a Medical certificate produced by an employee and the Labour Court rejected the plea that the medical examination of the concerned worker by the company's Doctor was not proper, the High Court was not justified in interfering with such findings and it was beyond the writ jurisdiction of the High Court. In the present case the reference states as follows:—"Whether the management was justified in discharging....." The present case is one of superannuation and retirement. Therefore it is contended for the management that the reference is bad relying upon (1963-1 LLJ page 507) "Ramamoorthy Vs. T.D.N.P. Workers Union". The management relies also upon (1961-2-LLJ page 694) "Tocklai Experimental Station vs. Its workmen", wherein it has been laid down that an award must be strictly within the four walls of the reference.

5. For the foregoing reasons I find that Ex. M1 cannot be relied upon at all. And I find no reason to differ from the age stated in Ex. M2. I, therefore, find the point against the worker. I, therefore, find on the point that the worker is superannuated.

6. I, therefore, find that the worker is not entitled to any relief. The reference is answered accordingly.

7. An award is passed accordingly.

Given under my hand and seal this Saturday the 2nd day of December, 1967.

(Sd.) B. VENKATARAMANA,
Presiding Officer.

APPENDIX OF EVIDENCE

Witnesses examined

For Petitioner (workman)—WW1 G. Obulu.

WWW2. Dodda Gangireddy alias Brahmareddy.

For respondent (management)—MW1. N. Hanumantha Rao.

Exhibits marked

For petitioner (workman).—Nil.

For respondent management.

Ex. M1.—Birth extract of petitioner.

18-3-66.

Ex. M2.—Provident Fund declaration form.

1-10-53.

Ex. M3.—Register of Employees.

Ex. M4.—Copy of Notice.

13-3-51.

(Sd.) B. VENKATARAMANA,
[No. 36/10/67-LRI.]

S.O. 4650.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), and in supersession of all existing notifications in this regard, the Central Government hereby specifies each of the Labour Courts mentioned in column 2 of the Table annexed hereto as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section shall be computed in terms of money, in relation to workmen employed

in any industry in the respective areas specified in column 3 of the said Table, in relation to which the Central Government is the appropriate Government.

THE TABLE

S. No.	Name of the Labour Court	Territorial jurisdiction
1	2	3
1.	Labour Court, Delhi constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 782, dated the 1st April, 1959.	The Union territories of Delhi and Himachal Pradesh.
2.	Labour Court, Bombay constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1698, dated the 22nd May, 1965.	The State of Maharashtra (excluding the districts of Akola, Buldana, Amraoti, Yeotmal, Wardha, Chanda, Nagpur and Bandara) and the Union territory of Goa, Daman and Diu.
3.	Labour Court, Nagpur constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3453, dated the 22nd September, 1967.	The districts of Akola, Buldana, Amraoti, Yeotmal, Wardha, Chanda, Nagpur and Bandara in the State of Maharashtra.
4.	Labour Court, Dhanbad constituted under section 7 of the said Act, by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1954, dated the 30th July, 1960.	The districts of Dhanbad, Hazaribagh, Singhbhum, Ranchi and Palamau in the State of Bihar.
5.	Labour Court (No. 2), Dhanbad constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1697 dated the 22nd May, 1965.	The State of Bihar (excluding the districts of Dhanbad, Hazaribagh, Singhbhum, Ranchi and Palamau).
6.	Labour Court, Gauhati constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1572, dated the 31st May, 1963.	The State of Assam and the Union territories of Manipur and Tripura.
7.	Labour Court, Bhubaneswar constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1571 dated the 31st May, 1963.	The State of Orissa.
8.	Labour Court, Calcutta constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1570 dated the 31st May, 1963.	The State of West Bengal.

1	2	3	4
9.	Labour Court, Bangalore constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 459, dated the 5th February, 1963.	The State of Mysore.	
10.	Labour Court, Raipur constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 437 dated the 27th January, 1965.	The revenue districts of Raipur, Durg, Bastar, Bilaspur, Raigarh and Surguja in the State of Madhya Pradesh.	
11.	Labour Court, Jabalpur constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 441, dated the 29th January, 1965.	The State of Madhya Pradesh (excluding the revenue districts of Raipur, Durg, Bastar, Bilasur, Raigarh and Surguja).	
12.	Labour Court, Hyderabad constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 456, dated the 5th February, 1963.	The State of Andhra Pradesh.	
13.	Labour Court, Jullundur constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 458, dated the 5th February, 1963.	The State of Punjab.	
14.	Labour Court, Lucknow constituted under section 7 of the said Act by the Government of India in the late Ministry of Labour and Employment No. S. O. 457, dated the 5th February, 1963.	The State of Uttar Pradesh.	
15.	Labour Court, Madras constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 461, dated the 5th February, 1963.	The State of Madras.	
16.	Labour Court, Quilon constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1034, dated the 3rd April, 1962.	The State of Kerala.	
17.	Labour Court, Ahmedabad constituted under section 7 of the said Act by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1721, dated the 17th July, 1961.	The State of Gujarat.	
18.	Labour Court, Jaipur, constituted under section 7 of the said Act by the Government of India in the late Ministry of Labour and Employment No. S. O. 1780, dated the 19th June, 1963.	The State of Rajasthan.	

1

2

3

19. Labour Court, Rohtak constituted under The State of Haryana, section 7 of the said Act by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 4329, dated the 30th November, 1967.

(F. No. 1/94/67-LRI)

New Delhi, the 21st December 1967

S.O. 4651.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Mica Mines Owners of Bhilwara (Rajasthan) and their workmen, which was received by the Central Government on the 18th December, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, JABALPUR

*Dated November 28, 1967***PRESENT:**Shri G. C. Agarwala—*Presiding Officer.*

REF. CASE No. CGIT/LC(R)(107) of 1967

PARTIES:

Employers in relation to Mica Mine Owners of Bhilwara (Rajasthan)

Versus

Their workmen through the Central Secretary, Khan Mazdoor Congress, Bhilwara.

APPEARANCES:*For employers*—Sri Roop Lal Gupta, Advocate and Joint Honorary Secretary of Rajasthan, Industrial & Mines Assn., Bhilwara.*For workmen*—Sri Lal Tak, Secretary, Khan Mazdoor Congress and Sri B. M. Bagra, Legal Adviser, I.N.T.U.C.**INDUSTRY:** Mica Mine.**DISTRICT:** Bhilwara (Rajasthan).**AWARD**

The Mica Mine Owners of Bhilwara in Rajasthan and their workmen represented by the Khan Mazdoor Congress, Bhilwara, jointly applied to the Central Government under Section 10(2) of the Industrial Disputes Act for reference of an industrial dispute, as stated below in the schedule to the order of reference and in pursuance thereof the Government of India, Ministry of Labour and Employment by Notification No. 20/10/66-LR-I, dated 11th May 1967, made the reference to this Tribunal:—

MATTER OF DISPUTE

Without prejudice to the statutory minimum wages which are subject of Writ Petitions pending before the High Court of Judicature for Rajasthan at Jodhpur, to what further increase the workmen employed in the Mica Mining Industry of Bhilwara District are entitled in the existing wage rate keeping in view the capacity of the industry to pay and taking into account the *ad hoc* increase of Rs. 5/- (Rupees Five) for time rated employees [to bring the total *ad hoc* increase to Rs. 10/- (Rupees Ten) since April, 1964] and the *ad hoc* increase to piece rated workers raising their wage rate to 40 paise per kilogram of cut Mica with effect from 1st October, 1966.

In the order of reference, 12 Mica Mine owners were shown as parties besides the Khan Mazdoor Congress through the General Secretary for the Union. Notices were sent to these mine owners who are:

1. Seth Pusha Lal Mansinghka (P) Ltd., Mica Mine Owners, Bhilwara.
2. Shri Sudarsan Mineral Ltd., Mica Mine Owners, Bhilwara.
3. M/s. Duduwala & Co., Mica Mine Owners, Bhilwara.
4. M/s. Nathany Company, Mica Mine Owners, Bhilwara.
5. Shri Surya Prakash Nathany, Mica Mine Owners, Bhilwara.
6. M/s. R. B. Seth Mool Chand Nemi Chand (P) Ltd., Mica Mine Owners, Distt. Bhilwara.
7. Shri Satya Narain Nathany, Mica Mine Owners, Bhilwara.
8. M/s. Bhupal Mining Works, Mica Mine Owners, Bhilwara.
9. M/s. Bejoy Mica (P) Ltd., Mica Mine Owners, Bhilwara.
10. Shri Srigopal Nathany, Mica Mine Owners, Bhilwara.
11. M/s. Ram Lal & Sons, Mica Mine Owners, Bhilwara.
12. Shri Hari Ram Nathany, Mica Mine Owners, Bhilwara.

One of them, Shri Srigopal Nathany (Sl. No. 10) could not be served and remained absent. Service was, therefore, affected by publication in a newspaper, Times of India. Preliminary hearing was then rendered at Jaipur on 10th October 1967. The Union was represented by the Secretary, Sri Lal Tak and was accompanied by Sri B. M. Bagra, Legal Adviser I.N.T.U.C. Sri Roop Lal Gupta, Joint Secretary of Rajasthan Industrial and Mines Association, Bhilwara, appeared for the employers and filed authorisation for five of the employers but assured me that he would obtain authorisation for the remaining nine owners. Both sides filed a statement of claim on that date. On behalf of the mine owners a preliminary objection was raised that Khan Mazdoor Congress was not competent to represent their workmen but this objection was overruled as the reference is under Sec. 10(2) of the I.D. Act and the mine owners themselves entered into an agreement with this Union in conciliation for the reference. It was held that the mine owners could not now contend to the contrary. The Mine owners were directed to file Balance Sheet and Profit and Loss Accounts for the last five years from 1961-62 to 1966-67. The employers were further directed to file a certified copy of the judgment of the Hon'ble High Court of Rajasthan by which the minimum wages fixed for the workers of mica industries by the State Government had been challenged by the mine owners. It may be mentioned that the said Writ Petition has now been decided and a true copy of judgment of the Hon'ble High Court (Ex. E/26) was filed by the employers. The Notification dated 31st July 1965 of the Rajasthan Government was quashed on the legal objection that the composition of the Advisory Board was defective. It follows, therefore, that the notification in question by which the minimum wages were fixed in 1965 is no longer in force. The Union was directed to file the Government notification of 1965 by which the minimum wages were fixed, copy of the Mathur Committee Report on D.A. and information about minimum wages which may have been fixed and are current in the states of Bihar and Andhra Pradesh. The Union was further directed to file settlement by which an adhoc increase of Rs. 5/- and Rs. 10/- was agreed to be given. The mine owners were given opportunity to file rejoinders to the statement of claim of the Union which were received on 25th October 1967. Hearing in the case thereafter rendered at camp Udaipur. The Union was this time represented by Sri Fateh Singh Rathor, Advocate, along with the Secretary, Sri Lal Tak. Sri Roop Lal Gupta was represented for all the mine owners except the absentee owner, Sri Srigopal Nathany. The Union filed and proved the relevant notification (Ex-W/1) by which the minimum wages were fixed as also copy of the Mathur Committee Report (Ex-W/2) and the agreement by which an adhoc payment of Rs. 10/- was agreed to be paid by the employers (Ex-W/3). The Union also examined three witnesses, Sri Lal Tak (W.W.1) and S/Sri Bhairon Singh and Gobardhan Singh (W.Ws. 2&3). It was stated on behalf of the Union that they could not obtain the information about minimum wages from sister unions of Bihar and Andhra Pradesh. On behalf of the mine owners on next date, an affidavit was filed by one Sri Amba Lal who was not cross-examined that mines of S/Sri Nathany & Co. (Employer No. 4), Surya Prakash Nathany (Employer No. 5), Satya Narain Nathany (Employer No. 7) and Hari Ram Nathany (Employer No. 12) came in existence only in 1966 and therefore no Profit and Loss Accounts of the Companies could be filed. For M/s Bejoy Mica (P) Ltd. (Employer No. 9) an affidavit was filed by Sri Chandra Kant stating that they had closed their mining operation since 1965 and no Profit and Loss Accounts were

filed. He was cross-examined by the Union. Profit and Loss Accounts were filed for Seth Pusha Lal Mansinghka (P) Ltd. (Employer No. 1), Shri Sudarsan Mineral Ltd. (Employer No. 2), M/s. Duduwala & Co. (Employer No. 3) M/s. Bhupal Mining Works (Employer No. 8), and M/s. Ram Lal & Sons (Employer No. 11) and were duly proved by witness. No evidence was tendered for M/s. R. B. Seth Mool Chand Nemi Chand (P) Ltd. (Employer No. 6) though represented by Shri Roop Lal Gupta. These Profit and Loss Accounts are Exts. E.1 to 11, 13 to 25, & Ex. E.27 to E.42.

2. The mica mine industry in India is a non-wage Board industry, and the wages of mica miners were fixed by the operation of the law of demand and supply. The principal producers of mica in this country are States of Bihar, Rajasthan and Andhra Pradesh. Wages in these States are regulated under provisions of the Minimum Wages Act. In Rajasthan, it was in 1959 that the Government of Rajasthan fixed Rs. 1/5/- per day as the minimum wages (exclusive of weekly days of rest) for adult workers of unskilled category called 'Dhari' and since then a mica miner was paid @ Rs. 1.31 nP. per day. The need for revision was felt and pressed on behalf of the workers, in consequence of which the Government of Rajasthan appointed a Committee in pursuance of the provisions of Clause (a) of Sub-section (1) of Sec. 5 of the Minimum Wages Act, 1948 to enquire into conditions prevailing in mica mines and to advise the State Government in making revisions of wages fixed earlier by the Government by Notification No. F.1(29) LAB/57 dated 24th April, 1959. Most of the facts enumerated in this award regarding the conditions of the industry with special reference to Rajasthan have been extracted from the report of the Committee, a copy of which has been filed on behalf of the employers and is Ex. E.12. The Committee was composed of the representatives of employers and employees with an independent member as Chairman. One of the representatives of the employers, Sri Bansilal Chowdhry, representing Hindustan Industrial and Mining Association appended a minute of dissent which is also part of the report. The Committee considered the viewpoints of both employers and employees and recommended that the minimum wages should be Rs. 60/- p.m. or 2.31 per day, exclusive of Sunday wages for the unskilled category of labour, namely, Khallasi, Dhari and Waterman. Accepting this recommendation, the Government of Rajasthan promulgated the notification dated 31st July, 1965 published in Gazette Extraordinary of the same date and fixed the minimum rates of wages of all categories of working in Mica mines, the lowest being Rs. 60/- for unskilled category. The employers challenged this notification in the Hon'ble High Court by means of different Writ petitions and as stated earlier, the Notification was struck down as invalid for a defect in the composition of the Wage Committee of the Advisory Board. The judgment (Ex. E/26) was pronounced during the pendency of this reference. The employers, however, continued to pay the old rate of Rs. 1.31 P. per day to the unskilled category and by means of an agreement (Ex. W/3) the employers agreed to pay an adhoc increase of Rs. 5/- towards D.A. which was further raised to Rs. 10/-. The employers thus are already paying a minimum wage of Rs. 1.31 P. per day for 30 days plus Rs. 10/- as an adhoc payment under agreement which comes to Rs. 49.50 P. The minimum rate of wages fixed by notification which has been quashed comes to Rs. 2 per day for 30 days or Rs. 2.31 P. for 26 days. The difference is only of Re. 0.35 paise per day, and the controversy now has entered round this rate for further increase of Re. 0.35 P. per day as addition to the minimum wage if the rate fixed by the State Government has to be adopted. The employers have contended that they are not in a position to pay even this extra rate fixed by the Rajasthan Government, whereas the workers have contended that they are entitled to further increase. In the written statement, the Union has claimed a rate of Rs. 2.85 or Rs. 74/- per month for 26 working days together with D.A. as per Mathur Committee's Report linked with the Consumer Price Index of Ajmer and Beawar. That being so, the first question to be determined is whether the industry has a capacity to pay the increase of demanded rate. The question of capacity to pay arises only in a case where a wage structure on the basis of fair wages has to be determined. It is a well settled law that capacity of industry to pay is an irrelevant circumstance in the fixation of minimum subsistence wage [Express News Paper (P) Ltd. and another Vs. Union of India and others; A.I.R. 1958 (S.C.) p. 578]. Before, therefore, determining what should be the minimum subsisting wage, it has to be seen whether the industry is in such a position that principles of fair wage can be applied including the aspect of capacity to pay. Before dealing with the grounds stated on behalf of the employers, most of which were considered by the Wage Committee, observations and findings of the said Committee are material, based as they are on collection of necessary data and expert examination of the question. For the Mica industry in Rajasthan, which

is not very old having been only of about 30 years in existence, production of mica comes from a few big mines namely, Bhunas, Tunka, Ghundli, Amargarh, Bhadu, Banjari, Bemali, Beri Jamoli (all in Bhilwara district) and one in Madhorajpura (Jaipur). The Committee collected figures upto half year of 1963. The Committee recognised the fact that the quality of Rajasthan Mica is mediocre and it is only when mixed with the Bihar Mica that it becomes exportable. It was further recognised in para 26 that the industry is steadily facing increasing competition with such countries as Brazil and Madagascar together with the synthetic substitutes and the absence of organised marketing arrangement as also the stock-piling manoeuvre of the buying countries. It further recognised the fact that the workers hail from villages within the radius of two to three miles and there was a good deal of absenteeism during crop season and festivals. Workers in the mines are daily raters and only the cutters in factories are piece raters. After comparing the prevailing wages in Bihar and Andhra Pradesh which were Rs. 1.96 in Andhra Pradesh and Rs. 2.22 in Bihar in 1960 (Appendix B of the report) the Committee recommended a rate of Rs. 2/- per day which was found to be more or less the same fixed in Bihar and Andhra Pradesh in 1960. The Committee in Chapter 7 para 65 considered the views of employers and employees and while conceding the fact that price of mica has gone down by 25 to 30 per cent and cost of mica has risen by 10 to 20 per cent observed that this was not an important factor in determination and fixation of minimum wages. Such factors as prices, cost of production, capacity of industry to pay etc. can be considered only while fixing fair or living wages and on this ground these considerations were ignored by the Committee in paragraph 69 of the Report. The principles laid down in 15th Indian Labour Conference and the Central Minimum Wages Advisory Board were adopted as main criteria for fixing the minimum wages. This was the position when the Committee submitted the Report in 1964. The position has further deteriorated since then which is borne out by the evidence tendered on behalf of the employers who filed their statements of claim and expressed their inability to pay on a variety of grounds, viz. (a) heavy increase in cost of production by 30 to 40 per cent, (b) depth of the mines increasing considerably, (c) electricity power in Rajasthan as compared to Bihar and Andhra which supply cheap power, (d) compulsory payment of bonus under Payment of Bonus Act and other benefits like E.P.F. Scheme and leave with wages, (e) fall in the prices of mica, (f) dwindling deposits, (g) poor quality of mica and (h) increase in railway freights and sales tax. Most of these are borne out by the Profit and loss Accounts filed by some of the employers which may now be examined.

3. For M/s. Seth Pusha Lal Mansinghka (P) Ltd., Sri Shyam Sundar came in evidence and stated that the cost of production has been increasing since 1960, that this company which used to work 16 mines in 1960 was working only 5 mines in 1967, that the quantity of crude mica extracted which was about 20 quintals is now 8 quintals and that 70 per cent of the mica is of lowest size—6 and 7. The price of mica which is of the Ruby quality as compared to 1965 has recorded a fall by 20 to 30 per cent in 1967 (vide Ex. E. 1). The cost of production has risen between 40 to 100 per cent. (Ex. E/2). Ex. E/3 would show that in 1960 they were working 16 mines wherein 1967 only 5 are worked. The statement of Profit and Loss A/c for the years 1960 to 1967 (Ex. E/4) which is supported by the Profit and Loss Account for these years (Exts. E/5 to E/11) would show that whereas there was some profit in 1960-61, there was no profit in 1962-63 and again in 1966-67. On the other hand, there was considerable loss exceeding over a lac in 1962 and again in 1966. Similar is the position for Employer No. 2. M/s. Sudarsan Mineral Ltd., for which the same witness, Sri Shyam Sunder filed accounts. The statement Ex. E/13 would show that this Company which worked 6 mines in 1960 was working only 2 in 1967. The statement of Profit and Loss Account would show that it had suffered a considerable loss in 1960 and 1962 and the profits during the years 1963 to 1966 were negligible. This statement is supported by Profits and Loss Accounts (Ex. E/15 to E/22). For Employer No. 3, M/s. Duduwala & Co., Sri Chandmal, Manager, came in evidence as E.W. 3 and filed accounts. It would appear from a statement Ex. E/24 that the prices of mica have gone down further as compared to the rate prevailing in 1964; that the cost of production of the materials used has considerably gone up as would appear from Ex. E/25. S/Sri Surya Prakash Nathany, Satya Narain Nathany and Hari Ram Nathany who are also parties as employers in this case were partners in this Company. There was a suit in the Hon'ble High Court, Calcutta, in 1958 for partition. An Official Receiver was appointed but after 1960

Joint Receivers were appointed who are S/Sri Ram Kumar Agarwal and Satya Narain Nathany. By a consent decree partial partition was effected in the end of 1965 and most of the mines were divided. One portion of the mining area is still being run under Joint Receivers to meet old liabilities. Since the account books are with the Hon'ble High Court at Calcutta and the Income Tax authorities this company could not complete and file the Profit and Loss Accounts. As Sri Nathany Company (Employer No. 4), Surya Prakash Nathany (Employer No. 5), Satya Narain Nathany (Employer No. 7), and Hari Ram Nathany came in existence as separate entities only from 1966, they could not file their accounts. For M/s. Bejoy Mica (P) Ltd. (Employer No. 9), Sri Chandra Kant, General Manager, came in evidence and stated on oath that the Company has stopped developing work since 1965 as it was found uneconomical and they are digging out only old reserves left untouched in pillars. In other words, they are stopping down the mines. For M/s. Bhupal Mica Mining Works (Employer No. 8), Sri Gopal Singh (E.W. 4) an Office Superintendent filed and proved Profit and Loss Accounts for the years 1961 to 1965 (Exts. E/27 to E/30). These would show that there had been continuously losses in the mining section exceeding over a lac every year and which was compensated by other industrial section of the company. The condition of M/s. Ram Lal & Sons (Employer No. 11) is not better. One of their partners, Sri Om Prakash, came in evidence and filed an affidavit along with Profit and Loss Accounts (Exts. E/36 to E/39). He was not cross-examined by the workmen's representative. There was a loss of Rs. 848 and odd in 1963 which increased to Rs. 20,000 and odd in 1964 and was so in 1965 and again there was a loss of Rs. 12,000 and odd in 1965-66. It follows, therefore, that the company has been running in loss every year particularly because (a) the cost of production has gone up and (b) the price of mica has gone down. The export by this Company has dwindled from Rs. 3,76,080 to Rs. 32,961. They were working eight mines in 1960 and are now working only one, the other mines having been found uneconomical. These and other factors are common with all the employers. Considering, therefore, the prevailing condition of the industry, it is not possible to apply the principles of fair wage structure and it must be held that the industry as such, particularly in Rajasthan, has no capacity to pay the increased burden on the lines of fair wage structure.

4. At the same time, the industry has got to pay minimum subsistence wage whether it has capacity to pay or not. As adverted to earlier, the question of capacity to pay is wholly irrelevant for a bare subsistence wage. The Minimum Wages Committee considering the need for wage of the labour and all the attendant circumstances after examining the conditions both of the employers and the employees, recommended in paragraph 75 the minimum rates of wages as Rs. 60 for the lowest category of unskilled workers. These are expert findings of which are based on examination of various factors and considering the view points of both employers and employees. This Tribunal has neither the necessary material in evidence nor the facility of examination from which any finding on the question of minimum wage suitable for mica mine workers can be formulated and when an Expert Committee gave its recommendation and which was adopted by the Rajasthan Government I see no reason to disregard the same. The Hon'ble High Court of Rajasthan has quashed the notification because of a technical flaw in the composition of the Advisory Committee. It has made no observation on the merits of the recommendation. Adopting, therefore, the recommendation of the Committee I hold that the rate of wages should be the same as was adopted by the Rajasthan Government by its notification dated 31st July, 1965. This notification is made a part of the award as Annexure "A". The mica mine owners will pay the workers in accordance with the rates fixed by notification.

5. There will be no increase in the piece rates for cut mica which had been fixed at Rs. 0.40 p. per kilogram by agreement but as stated in the Notification it shall not be less than Rs. 60 p.m. The question of D.A. does not arise for consideration. These wages are payable from 1st October, 1966 after the agreement for reference. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.

28-11-1967

ANNEXURE
RAJASTHAN GAZETTE EXTRAORDINARY DATED 31-7-65
(Department of Labour and Employment)

NOTIFICATION

Jaipur, July, 31st 1966

No. F. 3(12)/Lab./63.—Whereas the President of India has delegated to the State Government, the functions of the Central Government to review and revise the minimum rates of wages for employees employed in Mica Mines situated in the State, by notification No. LWI(1/20/58 of the Ministry of Labour and Employment dated 27th June, 1960.

Now, therefore, in exercise of the powers conferred by section 5 of the M.W. Act, 48 (Central) (Act XI of 1948), after adopting the procedure laid down therein, the State Government hereby revises for the whole of the State of Rajasthan, as specified in the Schedule given below, in respect of any employment in Mica Works, so far as it relates Mica Mines only, the minimum rates of wages fixed *vide* Government of Rajasthan notification No. P. 1 (92)/57 dated the 24th April, 1959 namely:—

SCHEDULE

1. No.	Categories of employees	All inclusive minimum rates of Mica wages per month
-----------	-------------------------	---

1	2	3
---	---	---

Un-skilled :

1	Khallasi	Rs. 60.00
2	Dhari	Rs. 60.00
3	Waterman	Rs. 60.00
4	Chowkidar	Rs. 60.00
5	Unskilled Mazdoor	Rs. 60.00

Semi-skilled :

6	Dresser	Rs. 75.00
7	Sorter	Rs. 75.00
8	Mate	Rs. 80.00
9	Carpenter	Rs. 85.00
10	B-Smith	Rs. 85.00
11	Fitterman	Rs. 85.00
12	Machine Driver	Rs. 90.00
13	Engine Driver	Rs. 90.00
14	Compressor Drivers	Rs. 90.00
15	Blaster with restricted	Rs. 90.00
16	Hand Drillers	Rs. 90.00

Skilled :

17	Blaster with un-restricted	Rs. 110.00
18	Fitter	Rs. 100.00
19	Electrician	Rs. 100.00
20	Drivers of machines of more	Rs. 100.00

Traffic Staff :

21	Cleaner	Rs. 65.00
22	Jeep & Light vehicle drivers	Rs. 100.00
23	Truck Drivers	Rs. 125.00

Clerical Staff :

24	Clerks	Rs. 100.00
25	Shift Incharge	Rs. 125.00
26	Cutters	40 Paise per Kilo-gram of Mica cut (inclusive of Sunday) but not less than Rs. 60.00.

ORDERS

New Delhi, the 18th December 1967

S.O. 4652.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Management of Messrs Bikaner Gypsum Limited, Bikaner and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Jawan Singh Ranawat as the Presiding Officer with Headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Whether the management of M/s. Bikaner Gypsum Limited, Bikaner, was justified in laying off 138 workmen, without payment of any lay-off compensation mentioned below employed in their Jamsar, Dhirera and Suratgarh mines and in their Bikaner office from the date mentioned against each? If not, to what relief are the workmen entitled?

Sl. No.	Name of the mine	Name of the workmen	Date of lay-off
1	Jamsar	Shri Shanti Prokash, Asstt. Foreman	10-10-1967
2	"	Shri Kanti Prosad, Asstt. Foreman	10-10-1967
3	"	Shri Harjit Singh, Asstt. Foreman	10-10-1967
4	"	Shri S. D. Joshi, Asstt. Foreman	10-10-1967
5	"	Shri Om Prakash Bansal, Supervisor	10-10-1967
6	"	Shri S. B. Thapa, Supervisor	10-10-1967
7	"	Shri Ram Karanlal Gupta, Clerk	10-10-1967
8	"	Shri Hazari, Peon	10-10-1967
9	"	Shri L. N. Dass, Peon	10-10-1967
10	"	Shri Radhey Shyam, Supervisor	10-10-1967
11	"	Shri Ashish Kr. Biswas, Supervisor	10-10-1967
12	"	Shri Sher Singh, Supervisor	10-10-1967
13	"	Shri P. K. Bose, Supervisor	10-10-1967
14	"	Shri K. U. Khan, Supervisor	10-10-1967
15	"	Shri Ramjeevan, Supervisor	10-10-1967
16	"	Shri Mohan Singh, Supervisor	10-10-1967
17	"	Shri Mohan Singh, Lok	10-10-1967
18	"	Shri Pratap Singh, Peon	10-10-1967
19	"	Shri Jahangir Shah, Peon	10-10-1967
20	"	Shri Moolia, Peon	10-10-1967
21	"	Shri Krishna	10-10-1967
22	"	Shri Moda	10-10-1967
23	"	Shri Jagdish	10-10-1967
24	"	Shri Bholia	10-10-1967
25	"	Shri Chautia	10-10-1967
26	"	Shri Jamuna	10-10-1967
27	"	Shri Jethia	10-10-1967
28	"	Shri Dhape	10-10-1967
29	"	Shri Ladwai	10-10-1967
30	"	Shri B. L. Ojha, Clerk	14-10-1967
31	"	Shri Puran Mal Khatri, Peon	14-10-1967
32	"	Shri Chhotu Ram, Driller	14-10-1967
33	"	Shri Ram Kishan, Driller	14-10-1967
34	"	Shri Jeshia Driller,	14-10-1967
35	"	Shri Lalla, Driller	14-10-1967
36	"	Shri Krishna, Blasting Helper	14-10-1967
37	"	Shri Pokhar, Blasting Helper	14-10-1967
38	"	Shri Ania, Blasting Helper	14-10-1967
39	"	Shri Premla, Blasting Helper	14-10-1967
40	"	Shri Deola, Mate	14-10-1967

Sl. No.	Name of the mine	Name of the workmen	Date of lay off
41	Jamsar	Shri Ganga s/o Girdhari, Mazdoor	14-10-1967
42	"	Shri Kheta s/o Ama, Mazdoor	14-10-1967
43	"	Shri Bhron s/o Puran, Mazdoor	14-10-1967
44	"	Shri Gobind s/o Chait Ram, Mazdoor	14-10-1967
45	"	Shri Teja Ram s/o Raju, Mazdoor	14-10-1967
46	"	Shri Shera s/o Bhika, Mazdoor	14-10-1967
47	"	Shri Amartia s/o Purkha, Mazdoor	14-10-1967
48	"	Smt. Deoli, s/o Amartia, Female Maz.	14-10-1967
49	"	Smt. Chunki w/o Ridmal, Female Maz.	14-10-1967
50	"	Smt. Rajki w/o Sardararam, Female Maz.	14-10-1967
51	"	Smt. Kelki w/o Chela, Female Maz.	14-10-1967
52	"	Smt. Aski w/o Rewatia, Female Maz.	14-10-1967
53	"	Smt. Aski w/o Ganga, Female Maz.	14-10-1967
54	"	Smt. Anchi w/o Amirta, Female Maz.	14-10-1967
55	"	Smt. Phuski w/o Jera, Female Maz.	14-10-1967
56	"	Smt. Rameshwari Devi, Creche Attend.	14-10-1967
57	"	Shri B. C. Ganguli, Water supply	14-10-1967
58	"	Shri Deen Mohd. Workshop Attendant	14-10-1967
59	"	Shri Raghunadan, Air Compressor Att.	14-10-1967
60	"	Shri Lal Mohd. Air Compressor Att.	14-10-1967
61	"	Shri Mangla, Engine Attendant	14-10-1967
62	"	Shri Bulaki, Engine Attendant	14-10-1967
63	"	Shri Abdul Sakeer, Engine Attendant	14-10-1967
64	"	Smt. Dhani w/o Uda, Female Mazdoor	14-10-1967
65	"	Smt. Anki w/o Jairam, Female Maz.	14-10-1967
66	"	Smt. Gorly w/o Dhokalia, Female Maz.	14-10-1967
67	"	Smt. Sardari w/o Mangga, Female Maz.	14-10-1967
68	"	Smt. Sardari w/o Mangla, Female Maz.	14-10-1967
69	"	Smt. Durki w/o Jora, Female Maz.	14-10-1967
70	"	Shri Inder Sain, Shovel Operator	20-12-1967
71	"	Shri Shurcy Khan, Shovel Operator	20-10-1967
72	"	Shri Lal Khan, Driver 'A'	20-10-1967
73	"	Shri Malu Singh, Driver 'A'	20-10-1967
74	"	Shri Ram Chander, Driver 'B'	20-10-1967
75	"	Shri Faizu, Driver 'B'	20-10-1967
76	"	Mangtoo, Driver 'B'	20-10-1967
77	"	Shri Prem Singh, Driver 'B'	20-10-1967
78	"	Shri Hari Singh, Driver 'B'	20-10-1967
79	"	Shri Kishan Singh, Driver 'B'	20-10-1967
80	"	Shri Sultan Singh, Driver 'B'	20-10-1967
81	"	Shri Chand Khan, Driver 'B'	20-10-1967
82	"	Shri Neta, Fitter	20-10-1967
83	"	Shri Ahmad Shan, Fitter	20-10-1967
84	"	Shri Jahangir Shah, Fitter	20-10-1967
85	"	Shri Bhanwar Shah, Fitter (Bench)	20-10-1967
86	"	Shri Phusa, Blacksmith	20-10-1967
87	"	Shri Gokul Singh, Welder	20-10-1967
88	"	Shri Phusa, Wireman 'B'	20-10-1967
89	"	Shri Kishan Lal, Helper	20-10-1967
90	"	Shri Sarwar Khan, Helper	20-10-1967
91	"	Shri Nathu Shah, Helper	20-10-1967
92	"	Shri Bishan Singh, Helper	20-10-1967
93	"	Shri Faizu Shah, Helper	20-10-1967
94	"	Shri Noor Shah, Helper	20-10-1967
95	"	Shri Mangtoo, Helper	20-10-1967
96	"	Shri Kalia Ram, Helper	20-10-1967
97	"	Shri Nema Ram, Helper	20-10-1967
98	"	Shri Rehmat Ali, Mazdoor	20-10-1967
99	"	Shri Narsi Ram, Mazdoor	20-10-1967
100	"	Shri Nathu Singh, Mate	20-10-1967
101	"	Smt. Dhapu, Female Maz.	20-10-1967
102	"	Smt. Tejki, Female Mazdoor	20-10-1967
103	"	Shri Umer Singh, Shovel Operator	21-10-1967
104	"	Shri Gopal Singh, Driver 'A'	21-10-1967
105	"	Shri Chatra, Generator Operator	21-10-1967

Sl. No.	Name of the mine	Name of the workmen	Date of lay off
106	Jamsar	Shri Farida, Air Comp. Attendant	21-10-1967
107	"	Shri Lal Khan, Mazdoor	21-10-1967
108	"	Smt. Neerki, Female Mazdoor	21-10-1967
109	"	Smt. Phirozeli, Female Mazdoor	21-10-1967
110	"	Shri Virendra Kumar, Sr. Clerk	21-10-1967
111	"	Shri Yusuf, Peon	21-10-1967
112	"	Shri Raman Lal, Sr. Clerk	21-10-1967
113	"	Shri R. S. Saxena, Clerk	21-10-1967
114	"	Smt. Bhura, Female Mazdoor	21-10-1967
115	"	Smt. Ganga, Female Nazdoor	21-10-1967
116	"	Smt. Meera, Female Mazdoor	21-10-1967
117	"	Shri Baloo, Male Mazdoor	21-10-1967
118	"	Shri Dhura, Mazdoor	21-10-1967
119	"	Shri Mohan Singh, Field Asstt.	21-10-1967
120	"	Shri Farida, Khalasi	21-10-1967
121	Suratgarh	Shri M. L. Sharma, Supervisor	16-10-1967
122	"	Shri Wazira s/o Magga, Mazdoor	16-10-1967
123	"	Shri Rakaulin s/o Wazira, Maz.	16-10-1967
124	"	Shri Ganeshlal s/o Srikishan, Maz.	16-10-1967
125	"	Shri Kirat Shah s/o Pallu Shah, M.	16-10-1967
126	"	Shri Ganga Ram s/o Bhairam Ram M.	16-10-1967
127	"	Shri Trilok Dass s/o Hukum Dass, M.	16-10-1967
128	Dhirera	Shri Gulab Singh, Supervisor	14-10-1967
129	"	Shri Ratti Ram, Mazdoor	14-10-1967
130	"	Shri Jetha, Mazdoor	14-10-1967
131	"	Shri Keshari Singh, Mazdoor	14-10-1967
132	"	Shri Lal Singh, Diesel Mech.	14-10-1967
133	"	Shri Hussain Khab s/o Farid Khan	14-10-1967
134	"	Shri Kamal Singh, Peon	15-10-1967
135	"	Shri Ratti Ram, Peon	15-10-1967
136	"	Shri Ramadhar Giri, Blaster	15-10-1967
137	"	Shri Jodha Ram, Helper	15-10-1967
138	"	Shri Ramjan, Helper	15-10-1967

- (2) Whether the management of M/s Bikaner Gypsum Limited, Bikaner was justified in retrenching 48 workmen mentioned below with effect from the 18th November, 1967? If not, to what relief are they entitled?

- 1 Smt. Chandl
- 2 Smt. Nirki
- 3 Smt. Aski
- 4 Smt. Jamuna
- 5 Smt. Dhani
- 6 Smt. Aski
- 7 Smt. Firojli
- 8 Smt. Anki
- 9 Smt. Gorly
- 10 Smt. Jethki
- 11 Smt. Sardari
- 12 Smt. Chunki
- 13 Smt. Anchi
- 14 Smt. Phuski
- 15 Smt. Miran
- 16 Smt. Dhapo
- 17 Smt. Rafki
- 18 Smt. Deoli
- 19 Smt. Sardari
- 20 Smt. Dhurki
- 21 Smt. Laduri
- 22 Smt. Tejki.
- 23 Shri Sudar Shah
- 24 Shri Ramzan Shah
- 25 Shri Ramzan
- 26 Shri Rahamatali
- 27 Shri Kheta

- 28 Shri Dana Ram
- 29 Shri Bheron
- 30 Shri Abdul Shah
- 31 Shri Kirat Shah
- 32 Shri Fazal Shah
- 33 Shri Sardar Khan
- 34 Shri Makhan Shah
- 35 Shri Loona
- 36 Shri Shaitan Singh
- 37 Shri Narsi Ram
- 38 Shri Ganesh Lal
- 39 Shri Hukma
- 40 Shri Reda Ram
- 41 Shri Deepa Ram
- 42 Shri Jetha Ram
- 43 Shri Jagdish
- 44 Shri Rati Ram
- 45 Shri Keshri Singh
- 46 Shri Monohar
- 47 Shri Shafi Shah
- 48 Shri Mehboob Singh

[No. 24/35/67—LRI]

New Delhi, the 19th December 1967

S.O. 4653.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Messrs Lima Leitao and Company Private Limited Marmagao Harbour and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether Messrs Lima Leitao and Company Private Limited, Marmagao Port, were justified in not paying (1) House rent allowance (2) Second Interim Relief and increase in dearness allowance as per the recommendations of the Central Wage Board for Port and Dock Workers in major ports (3) Bonus for the accounting years 1964, 1965 and 1966, to their house winchmen prior to their registration as Reserve Pool workers with the Marmugao Dock Labour Board? If, not, what should be the quantum of such benefits and from what date?

[No. 23/74/67—LR.III.]

New Delhi, the 21st December 1967

S.O. 4654.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Kooverjee v. Currumsey and Company, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Kooverjee v. Currumsey and Company, Bombay, was justified in dismissing Shri R. Almeida, Customs Clerk, from service with effect the 31st August, 1967, and withholding his

salary from the month of May, 1967 to the date of dismissal? If not, to what relief is he entitled?

[No. 28/121/67-LR.III.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th December 1967

S.O. 4655.—In pursuance of clause (e) of sub-section (1) of section 3A of the Coal Mines Provident Fund and Bonus Schemes, Act, 1948 (46 of 1948) read with sub-paragraph (1) of paragraph 9 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the late Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948, the Central Government hereby appoints Shri G. R. Thukral as a trustee of the Board of Trustees, and makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2451 dated the 17th July, 1967, namely:—

In the said notification against serial number 12, for the entry, 'Shri S. V. Raman, the East Indian Coal Co. Ltd., P.O. Jealgora, District Dhanbad', the following entry shall be substituted, namely:—

"Shri G. R. Thukral, M/s. Andrew Yule and Co. Ltd., 8 Clive Row, Calcutta."

[No. 4(5)67-PF. I.]

New Delhi, the 20th December 1967

S.O. 4656.—Whereas the Central Government has, in pursuance of clause (f) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri Sumer Singh, C/o. Mazdoor Congress, Tansain Marg, Birlanagar, Gwalior, to be member of the Medical Benefit council in place of Shri V. R. Hoshing;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899 dated the 27th September, 1966, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (f) of sub-section (1) of section 10 in consultation with organisations of employees recognised by that Government]" for the entry against item (22), the following entry shall be substituted, namely:—

"Shri Sumer Singh, C/o. Mazdoor Congress, Tansain Marg, Birlanagar, Gwalior."

[No. F. 3/20/66/HI.]

MAHINDRA KISHORE, Under Secy.

(Department of Labour and Employment)

New Delhi, the 19th December 1967

S.O. 4657.—In exercise of the powers conferred by the fourth proviso to clause (h) of Sub-section (5) of Section 8 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), read with sub-clause (2) of Clause 8 of the Personal Injuries (Compensation Insurance) Scheme, 1963, the Central Government hereby directs that the amount of the advance premium payable in respect of the quarter ending 31st March 1968 shall—

- (1) in the case of a person having a policy in force on the 31st December 1967 be 'Nil' and